

CHAPTER 15B-9
WRECKER QUALIFICATIONS AND WRECKER OPERATOR ALLOCATION SYSTEM

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15B-9.001 Scope and Purpose.

(1) These rules apply only to those wrecker operators who participate in the division's wrecker operator call allocation system established in this rule chapter.

(2) These rules are designed to assist private and commercial users of the highways of this State by ensuring ~~insuring~~ that only qualified, reputable wrecker operators ~~and equipment~~ are provided for removal and storage of wrecked, disabled, ~~stolen~~ or abandoned ~~motor~~ vehicles in the event the owner or operator is incapacitated, unavailable or leaves the procurement of wrecker service to the discretion of the Florida Highway Patrol officer ~~trooper~~ at the scene.

(3) These rules are designed to promote public safety by promoting the prompt removal of wrecked, disabled, and abandoned vehicles and by improving highway incident management, through requirements for interoperative communications to enable prompt and efficient removal of such vehicles, a reduction in secondary crashes caused by such vehicles, and reducing crashes in which such vehicles are a contributing factor.

(4) These rules do not apply to a vehicle owner's or operator's request for utilization of a specific wrecker operator, whether or not such wrecker operator is an authorized wrecker operator qualified under these rules. When a vehicle owner or operator requests a specific wrecker operator In such event, the vehicle owner's or operator's request will be honored without resort to these rules unless the Florida Highway Patrol officer at the scene determines that the wrecked, disabled, or abandoned vehicle is located on an interstate highway or a limited access highway, as defined in Chapter 316, Florida Statutes, is blocking travel lanes on a state roadway, or is otherwise creating a traffic or safety hazard or determines that use of the the wrecker operator requested by the vehicle owner or operator will result in a significant delay in the removal of the vehicle as compared to the time necessary for removal of the vehicle by an authorized wrecker operator there will be an unreasonable time delay or a traffic problem exists.

(5) These rules also do not apply when employees or agents of the Florida Department of Transportation, other law enforcement agencies with proper jurisdiction, or an authority created pursuant to Chapters 348 or 349, Florida Statutes, undertakes to have wrecked, disabled, or abandoned vehicles removed from roadways within the jurisdiction of those respective entities.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1), 321.14 FS. History—New 1-22-86, Formerly 15B-9.01, Amended 10-15-92, _____.

15B-9.002 Definitions.

The following terms have the meaning indicated:

(1) “Abandoned Vehicle” – An unattended vehicle which ~~is directed by the division~~ has determined must be removed because the vehicle ~~it~~ is improperly parked in violation of ~~Sections~~ Section 316.194, 316.1945 or 316.1951, Florida Statutes, or a vehicle which has been reported to a law enforcement agency as having been stolen ~~F.S.~~

(2) ~~Answering Service~~ – ~~A commercial enterprise, which, pursuant to a contract or, receives calls and relays messages to the wrecker service such that the calls are answered by persons other than the owner or an employee of the wrecker service.~~

(3) “Authorized wrecker operator” – A wrecker operator that is included in and participating in the division’s wrecker operator system for a zone.

(23) “Wrecker” ~~Commercially manufactured wrecker~~ – A tow truck, including a roll-back or slide-back carrier, that is:

(a) Designed and constructed as a tow truck by a commercial wrecker manufacturer which offers its wreckers for sale or

(b) Assembled by a business licensed and approved to assemble and certify wreckers according to manufacturer’s specifications published on the manufacturer’s website or the manufacturer’s manual in the possession of the wrecker operator that owns the wrecker.

A wrecker may be a Class A wrecker, a Class B wrecker, a Class C wrecker or a roll-back or slide-back wrecker.

(4) “Call for service” or “called for service”– A request sent by a Florida Highway Patrol employee, Florida Highway Patrol regional communications center, or third party authorized by the Florida Highway

Patrol, by or through a telephone call, text message, electronic message, cellular application, computer application or program, or other means of notification, as determined by the Florida Highway Patrol for a Troop or zone, to an authorized wrecker operator's communications system for the dispatch by an authorized wrecker operator of a wrecker or wreckers to remove or deal with one or more wrecked, disabled, or abandoned vehicles.

(5) "Chasing or running wrecks" – Occurs when an authorized wrecker operator drives by the scene of a wrecked or disabled vehicle before the arrival of another authorized wrecker operator pursuant to a call for service and initiates contact with the owner or operator of the wrecked or disabled vehicle by soliciting or offering towing services to such owner or operator, regardless of whether or not that authorized wrecker operator actually tows the wrecked or disabled vehicle.

(6) "Class A Wrecker" - Wreckers used for the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less.

(7) "Class "B" Wrecker" – Wreckers used for removal of medium duty trucks or vehicles weighing 20,000 pounds gross vehicle weight or less.

(8) "Class C Wrecker" – Wreckers used for the removal of heavy duty trucks, house trailers, buses, etc., weighing over 20,000 pounds gross vehicle weight.

(9)(4) "Department" – The Department of Highway Safety and Motor Vehicles.

(10) The "Division" – The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(11) "Driver" – Any person who:

(a) Drives or operates a wrecker on behalf of an authorized wrecker operator, regardless of whether such person is an employee, agent, independent contractor, sole proprietor, officer, shareholder, director, member, partner, limited partner, or the owner of the authorized wrecker operator.

(b) Will drive or operate a wrecker on behalf of a wrecker operator, regardless of whether such person is an employee, agent, independent contractor, sole proprietor, officer, shareholder, director, member, partner, limited partner, or the owner of the wrecker operator to respond to calls for service, if the wrecker operator is approved as an authorized wrecker operator.

~~(12)(5)~~ “Failure to provide service” – A Failure to answer a call for service:

(a) Failure to respond when called for service~~Failure to answer the telephone when called by the duty officer;~~~~or~~

(b) Failure to arrive at the scene after responding that the authorized wrecker operator would provide service in response to a call for service;~~or~~

(c) Failure to accept a call for service;~~Failure to accept~~ or

(d) Refusal~~refusal~~ to accept a call for service.

(13) “Not reputable” means when a person:

(a) Has been convicted of a forcible felony as defined in Section 776.08, Florida Statutes.

(b) Has been convicted of a felony listed in Section 812.014(2)(c)6., Florida Statutes.

(c) Has been convicted of a felony listed in Section 812.16(2), Florida Statutes.

(d) Has been convicted one or more felonies arising from or related to the wrecker operator business.

(e) Has been convicted of two or more felonies, either committed at different times or arising from unrelated offenses.

(f) Has been convicted of a felony and has been denied approval as an authorized wrecker operator, a principal of an authorized wrecker operator, or as a driver in the immediately preceding five (5) calendar years for any reason other than the conviction of a forcible felony as defined in Section 776.08, Florida Statutes, a felony listed in Section 812.014(2)(c)6., Florida Statutes, or a felony listed in Section 812.16(2), Florida Statutes.

(g) Has been arrested and has pending adjudication for one or more criminal charges for a forcible felony as defined in Section 776.08, Florida Statutes, a felony listed in Section 812.014(2)(c)6., Florida Statutes, a felony listed in Section 812.16(2), Florida Statutes, one or more felonies arising from or related to the wrecker operator business, or two or more felony offenses either committed at different times or arising from unrelated offenses.

(h) Is subject to an injunction for protection against domestic violence issued pursuant to Section 741.30, Florida Statutes.

(i) Is subject to an injunction for protection against repeat violence, sexual violence, or dating violence issued pursuant to Section 784.046(7), Florida Statutes.

(j) Is the subject of a risk protection order issued pursuant to Section 790.401, Florida Statutes.

(k) Has been adjudicated an incompetent person pursuant to Section 744.331, Florida Statutes.

(l) Has been convicted of a felony and is required to register as a sexual predator or sexual offender under Sections 943.0435 and 944.607, Florida Statutes.

(m) Has knowingly furnished false information to the department, the division, another government agency or entity, including, but not limited to, as a part of an application to be an authorized wrecker operator or a driver, as a part of an application to be a wrecker operator for another governmental agency or entity, or in a statement to another governmental agency or entity in the course of a wrecker operator business, in the immediately preceding three (3) calendar years.

(n) As a driver, responded to one or more calls for service while under the influence of alcohol, any controlled substance, or chemical substance, in the immediately preceding three (3) years.

(o) Is a driver and has been convicted of a violation of Section 316.193, Florida Statutes, in the immediately preceding eighteen (18) months, has a pending charge for a violation of Section 316.193, Florida

Statutes, or is or was disqualified, pursuant to Section 322.64, Florida Statutes, during the immediately preceding eighteen (18) months.

(p) Is a driver whose driver license is or was suspended, for refusing to take a breath, blood or urine test as required pursuant to Section 316.1932, Florida Statutes, in the immediately preceding eighteen (18) months, whose driver license is or was suspended, pursuant to Section 322.2615, Florida Statutes, in the immediately preceding eighteen (18) months, or whose commercial driver license has been downgraded pursuant to Section 322.591, Florida Statutes.

(q) Has been suspended or removed from the authorized wrecker system or has been suspended or removed as a driver, for the use of a wrecker which has been suspended or removed from the authorized wrecker system within the immediately preceding three (3) calendar years.

(r) Has been suspended or removed from a wrecker rotation system or list by any law enforcement agency within the immediately preceding three (3) calendar years.

(14) "Person" – Has the same meaning as in Section 1.01, Florida Statutes, including, but not limited to, a sole proprietor, corporation, limited liability company, partnership, limited partnership, business association, or other type of business entity.

(15) "Principal" - Each person, employee, agent, independent contractor, officer, director, shareholder, member, partner, limited partner, or owner, which owns more than 10 percent of the equity ownership of an authorized wrecker operator or a wrecker operator, if the wrecker operator has applied to be an authorized wrecker operator.

(16)(6) "Roll-back or slide-back wrecker carrier": A type of wrecker vehicle transporter, including a trailer, used and designed to transport or carry passenger cars, light trucks, small trailers, burned vehicles, sports cars, boats and other cargo, weighing 10,000 gross vehicle weight or less without causing further damage, consisting of a flat bed-type body which hydraulically slides back on the frame until it

reaches ground level to facilitate loading by use of a winch which is used to pull or slide the vehicle onto ~~on~~ the wrecker transporter.

~~(17)(7) “Service fee – A fee charged by an authorized wrecker operator for services rendered when the removal of a vehicle, other than a bicycle, is not required. Such services may include, but are not limited to, changing a flat tire, providing fuel or use of battery jumper cables, assistance with the starting of a vehicle, assistance with getting the vehicle back on the roadway, or unlocking a vehicle. The service fee shall not exceed eighty (80) percent of the rotation base rate that would apply to the class of vehicle being serviced.~~

~~(18)(7) “Solicitation” – Conduct of an owner, employee, or agent, independent contractor, officer, shareholder, director, member, or owner of a wrecker operator service which tempts, entices, suggests, offers services to, or makes requests of any person ~~persons~~ regarding removal of a wrecked, disabled, or abandoned a vehicle ~~involved in an accident or a disabled vehicle without authority of the division.~~~~

~~(19) “State holiday” - Holidays observed by state agencies pursuant to Section 110.117(1), Florida Statutes.~~

~~(20) “Troop” – An organizational unit of the Florida Highway Patrol which has been assigned to patrol and primarily operate within a specific group of contiguous counties in Florida, but not including Troop I, Troop J, Troop K, and Troop Q.~~

~~(21) “Troop commander” – The Florida Highway Patrol officer designated by the division director to command a troop.~~

~~(22) “Trooper” – An employee, member or officer of the Florida Highway Patrol.~~

~~(24) “Wrecker staff person” – Any person who:~~

~~(a) Handles, processes, or has access to any payment transaction or payment information for the removal of one or more wrecked, disabled, or abandoned vehicles for or on behalf of an authorized wrecker operator as a result of a call for service or the wrecker operator system, regardless of whether such person is an employee,~~

agent, independent contractor, sole proprietor, officer, shareholder, director, member, partner, limited partner, or owner of the authorized wrecker operator;

(b) Will handle, process, or have access to any payment transaction or payment information for the removal of one or more wrecked, disabled, or abandoned vehicles for or on behalf of a wrecker operator as a result of a call for service or the wrecker operator system, regardless of whether such person is an employee, agent, independent contractor, sole proprietor, officer, shareholder, director, member, partner, limited partner, or owner of the authorized wrecker operator, if the wrecker operator is approved as an authorized wrecker operator;

(c) Has any access to or any control of access to one or more wrecked, disabled, or abandoned vehicles stored by an authorized wrecker operator as a result of a call for service or the wrecker operator system, regardless of whether such person is an employee, agent, independent contractor, sole proprietor, officer, shareholder, director, member, partner, limited partner, or owner of the authorized wrecker operator; and

(d) Will have any access to or any control of access to one or more wrecked, disabled, or abandoned vehicles stored by a wrecker operator as a result of a call for service or the wrecker operator system, regardless of whether such person is an employee, agent, independent contractor, sole proprietor, officer, shareholder, director, member, partner, limited partner, or owner of the authorized wrecker operator, if the wrecker operator is approved as an authorized wrecker operator.

~~(25)(8) “Wrecker Operator” or Operator – Has the same meaning as in Section 1.01, Florida Statutes. The individual, partnership, corporation or business entity engaged, for hire, in the recovery, towing or removal of wrecked, disabled, stolen or abandoned motor vehicles. For the purpose of these rules, a hired driver or employee shall be governed by these rules, and, unless otherwise stated, shall be considered an agent of the wrecker operator.~~

(26) “Wrecker operator system” – The system of authorized wrecker operators that are to be called for

service, in rotation within each zone, when a wrecked, disabled, or abandoned vehicle must be removed from a crash scene or stored, or when the owner or operator is incapacitated, unavailable, or has left the procurement of a wrecker to the Florida Highway Patrol officer at the scene.

(27)(9) “Zone” – A contiguous geographic area within the boundaries of a troop which has been designated by the ~~division~~ troop commander, pursuant to Rule 15B-9.003, F.A.C.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History–New 1-22-86, Formerly 15B-9.02, Amended 10-15-92,_____.

15B-9.003 Wrecker Operating System; Establishment of Zones and the Number of Authorized Wrecker Operators for each Zone; Call Allocation System.

(1)(a) Each troop commander ~~Troop Commander~~ shall divide the geographic area within his or her troop ~~troop~~ into one or more zones with clearly defined boundaries for the purpose of establishing a list of authorized wrecker operators for each separate zone ~~wrecker rotation lists~~. The ~~Troop Commander's decision shall be reviewable by the~~ division director ~~Division Director~~, or her or his designee, on behalf of the division shall review, may revise, and shall approve in writing, the zone or zones established by each troop commander. Upon approval of the zone or zones for a troop by the division, a list of authorized wrecker operators for each such zone shall be established pursuant to this rule chapter.

(b) The boundaries for each zone shall be established based on:

1. Clearly defined geographic features such as county boundaries, highways, roads, or bodies of water,
2. Distances that wreckers operated by authorized wrecker operators must travel to various geographic locations within the zone to handle wrecked, disabled, or abandoned vehicles;
3. Travel times typically experienced by wreckers operated by authorized wrecker operators from the authorized wrecker operators' places of business to crash scenes within the geographic boundaries of the zone;
4. The need to provide adequate and timely service by authorized wrecker operators in the zone to protect highway users and first responders at the scene of wrecked, disabled or abandoned vehicles;
5. The volume of wrecked, disabled, or abandoned vehicles requiring wrecker services within each zone;
6. Changes over time to the items specified in sub-paragraphs 3., 4., and 5.

(c) A troop commander, subject to the written approval of the division director, or his or her designee, on behalf of the division may revise the boundaries of one or more zones within the geographic boundaries of a troop.

(d) When the establishment of a new zone or a change in the boundaries of a zone or zones necessitates an

increase in the number of authorized wrecker operators for a zone or zones and the applicable troop has not previously received an application from a wrecker operator to be an authorized wrecker operator which satisfies the need in a zone or zones, a notice shall be published on the Department of Highway Safety and Motor Vehicles' website indicating the deadline for a wrecker operator to submit an application pursuant to Rule 19B-9.0031 to be considered to be an authorized wrecker operator in the affected zone or zones.

(2)(a) Each troop commander, with the approval of the division director, or his or her designee, shall determine the number of authorized wrecker operators which will be approved for each zone within his or her troop and shall re-evaluate the number of authorized wrecker operators which will be approved within each zone of her or his Troop not less than every three years beginning not later than 2028.

(b) The number of authorized wrecker operators which may be approved by each troop commander for a zone shall be based on the:

1. Need for authorized wrecker operators in each zone to deal with wrecked, disabled, or abandoned vehicles within the zone;

2. Distances that wreckers operated by authorized wrecker operators must travel to various geographic locations within the zone to handle wrecked, disabled, or abandoned vehicles;

3. Travel times typically experienced by wreckers operated by authorized wrecker operators from the authorized wrecker operators' places of business to crash scenes within the geographic boundaries of the zone;

4. Need to provide adequate and timely service by authorized wrecker operators in the zone to protect highway users and first responders at the scene of wrecked, disabled or abandoned vehicles;

5. Volume of wrecked, disabled, or abandoned vehicles requiring wrecker services within each zone;

6. Changes over time to the items specified in sub-paragraphs 1., 3., 4., and 5.

(c) At any time, the troop commander, subject to the written approval of the division director, or his or her designee, on behalf of the division, may propose an increase in the number of authorized wrecker operators for

a zone if the troop commander determines that a zone does not have an adequate number of authorized wrecker operators.

(d) The division director, or her or his designee, on behalf of the division, shall review any change proposed by a troop commander in the number of authorized wrecker operators for a zone, including any proposed increases or decreases thereto, may revise, and shall approve in writing, the number of authorized wrecker operators for each affected zone.

(e) Upon the approval of any change in the number of authorized wrecker operators for a zone by the division, a determination that a sufficient number of authorized wrecker operators does not exist in an zone or zones, or a determination by the division that a zone needs a wrecker of a class or type that the zone does not have available and the applicable troop has not previously received an application from a wrecker operator to be an authorized wrecker operator which satisfies the need in a zone, the division will publish a notice of the change on the Department of Highway Safety and Motor Vehicles' website. If the number of authorized wrecker operators for a zone is increased, or a zone does not have a wrecker of a class or type needed, such notice shall indicate the deadline for wrecker operators to submit an application pursuant to Rule 19B-9.0031 to be considered to be an authorized wrecker operator for that zone.

(f) Any reduction in the number of authorized wrecker operators for a zone proposed by a troop commander and approved on behalf of the division by the division director, or his or her designee, because the number of authorized wrecker operators for a zone is excessive may only be implemented through attrition in the number of authorized wrecker operators in a zone.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 1-22-86, Formerly 15B-9.03, Amended 10-15-92,_____.

15B-9.0031 Applications to be an Authorized Wrecker Operator; Requirements for Wrecker Operators; Investigation of Applications.

(1) ~~A Each~~ wrecker operator must make a separate application to the division to be included for inclusion on the list of authorized wrecker operators for a zone rotation list.

(a) Not later than sixty (60) days after this rule become effective, each authorized wrecker operator in each zone shall complete the Application to be an Authorized Wrecker Operator, HSMV form 60315, so that the division has a current and completed HSMV form 60315 for all authorized wrecker operators.

(b) ~~An Each~~ application by a wrecker operator to be an authorized wrecker operator for a zone must ~~for inclusion shall~~ be completed, indicate the wrecker class or wrecker classes the wrecker operator has, and signed on behalf of the wrecker operator by an authorized representative of the applying wrecker operator, must specify the zone for which the application is submitted, and must shall be filed with the division not later than the date specified in a notice published pursuant to Rule 19B-9.003(1)(e) or (2)(e). However, wrecker operators may file an application at any time with the applicable troop to be considered to be an authorized wrecker operator for a zone within that troop.The application shall be made on the Application to be an Authorized Wrecker Operator, HSMV form 60315.

(c) HSMV form 60315 must be accompanied by a criminal background check obtained from the Florida Department of Law Enforcement of the authorized wrecker operator or wrecker operator, each principal of the authorized wrecker operator or wrecker operator, each wrecker staff person of the authorized wrecker operator or wrecker operator, and each driver used by the authorized wrecker operator or to be used by the wrecker operator to respond to calls for service. The division may require a wrecker operator to submit new criminal background checks for such persons obtained from the Florida Department of Law Enforcement if the criminal background checks were obtained more than ninty (90) days prior to the completion of the investigation required pursuant to subsection (4)(a).

(d) A wrecker operator may be listed as an authorized wrecker operator only once for a zone and only under the name which the wrecker operator applied to be an authorized wrecker operator pursuant to provisions of this rule chapter. A wrecker operator that is an authorized wrecker operator and is conducting business at one physical location may not use different business entities (i.e., individuals, sole proprietors, corporations, limited liability companies, partnerships, limited partnerships, business associations, or similar entities under common ownership) or fictitious names to operate as an authorized wrecker operator from the same physical place of business in a zone or from different physical places of business in a zone.

(e) A wrecker operator may be an authorized wrecker operator in more than one zone but only when the wrecker operator has a separate physical place of business in each zone, one or more separate wreckers and drivers are assigned to the authorized wrecker operator's physical place of business in each zone, and different individuals manage the day-to-day operations of the authorized wrecker operator's physical place of business in each zone.

(f) Two or more wrecker operators owned, controlled, or operated by the same person, individual or individuals, sole proprietor, corporation, partnership, limited partnership business association, or similar entities with common ownership, may not be authorized wrecker operators in the same zone. When two or more wrecker operators are owned, controlled, or operated by the same person, individual or individuals, sole proprietor, corporation, partnership, limited partnership business association, or similar entities with common ownership, each such separate wrecker operator may be listed as an authorized wrecker operator in different zones but only when each such authorized wrecker operator has a separate physical place of business in each zone, one or more wreckers are assigned only to the authorized wrecker operator's physical place of business in each zone, and different individuals manage the day-to-day operations of the authorized wrecker operator's physical place of business in each zone.

(2)(e) When the division establishes a new zone, changes the boundaries of any previously existing zone,

or approves an increase in the number of authorized wrecker operators for a zone, a A division representative shall investigate each Application to be an Authorized Wrecker Operator, HSMV form 60315, application which is timely submitted to the division to be an authorized wrecker operator for an affected zone.

(3) To be eligible to apply for inclusion on and to remain on the list of authorized wrecker operators for a zone:

(a) A wrecker operator's physical place of business must be located in that zone.

(b) The wrecker operator's physical place of business must have and maintain:

1. A sign that identifies the place of business to the public as a wrecker operator establishment and the telephone number for the receipt of telephone calls from the public at that place of business. The sign must be painted with letters of at least four (4) inches in height and placed so that it is clearly visible to the public.

2. An office sufficient to house the wrecker operator's business.

3. Personnel, other than drivers, at the wrecker operator's physical place of business in the zone from at least 8:00 a.m. to 5:00 p.m., Monday through Friday, except on state holidays, to receive and respond to calls for service and to serve the public.

4. A communications system to respond to calls for service and a telephone number to receive telephone calls from the public, available twenty-four hours a day. The telephone number for the place of business must be the same as the telephone number required to be displayed on each wrecker pursuant to Rule15B-9.005(9)(f)., F.A.C.

5. A communications system with telephone, text, and e-mail capabilities necessary to receive and respond to calls for services.

6. Not fewer than one wrecker and not fewer than one driver that are stationed at the wrecker operator's physical place of business in the zone.

7. The ability to accept payments in accordance with Section 713.78(19)(a), Florida Statutes, for all

services and storage fees and the ability to provide customers with an invoice meeting the requirements of Section 713.78(20)(c), (d), and (e), Florida Statutes; however, any fee for the use of a credit card or electronic form of payment may not exceed 3 percent of the amount of the payment for all services and storage fees.

8. Storage facilities satisfying all requirements of Rule 15B-9.011, F.A.C.

(d) The wrecker operator shall identify all drivers that the wrecker operator will use, regardless of whether such drivers are an employee, agent, independent contractor, officer, shareholder, member, partner, limited partner, or owner of the wrecker operator, if the wrecker operator is approved as an authorized wrecker operator.

(e) 1. The wrecker operator shall maintain, without limitation thereto, the following types of insurance with the minimum limits set forth below in the name of the wrecker operator which shall include coverage for towing and storage. The policy shall be effective throughout the period that the wrecker operator is to be an authorized wrecker operator ~~qualified~~ under these rules:

a. Worker's compensation and employer's liability insurance, in the amounts required by Florida law.

b. Garage liability insurance in an amount not less than \$300,000 combined single limit liability.

c. Garage keeper's legal liability insurance in an amount not less than \$50,000 for each loss, covering perils of fire and explosion; theft of a vehicle, its parts or contents; riot and civil commotion; vandalism; malicious mischief; and damage to a vehicle in tow.

d. The following minimum levels of combined bodily injury liability insurance and property damage liability insurance required by Section 627.7415, F.S., in addition to any other insurance requirements as required by this rule:

(i) Fifty thousand dollars (\$50,000) per occurrence for a wrecker with a gross vehicle weight of less than 35,000 pounds.

(ii) One hundred thousand dollars (\$100,000) per occurrence for a wrecker with a gross vehicle weight of

35,000 pounds or more, but less than 44,000 pounds.

(iii) Three hundred thousand dollars (\$300,000) per occurrence for a wrecker with a gross vehicle weight of 44,000 pounds or more.

2. The required insurance coverages shall include those classifications that are listed in standard liability manuals, which most nearly reflect the operations of wrecker operators.

3. All such required insurance policies must have been issued by companies authorized to do business in the State of Florida.

4. The wrecker operator shall furnish certificates of insurance evidencing the required insurance coverages and a "Wrecker Insurance Statement of Compliance" (HSMV form 60313) to the troop commander with the wrecker operator's Application to be an Authorized Wrecker Operator, HSMV form 60315, and thereafter thirty (30) days prior to the expiration date of the insurance policy for each type of required insurance coverage. The certificates shall clearly indicate that the wrecker operator has obtained insurance of the type, amount, and classifications required for compliance with this rule and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the Division. Upon failure of an approved wrecker operator to provide proof of insurance, as required by this paragraph, the Division shall provide notice to the wrecker operator pursuant to form HSMV 60311, of its non-compliance.

(4) The division shall investigate each wrecker operator that has submitted as application applied to be an authorized wrecker operator for a zone pursuant to paragraph (3) and the investigation shall ~~will~~ include all the following: ~~background checks;~~

(a) A review of the criminal history of the wrecker operator, each principal of the wrecker operator, each wrecker staff person of the wrecker operator, and each driver the wrecker operator will use to respond to calls for service, if the wrecker operator is approved as an authorized wrecker operator ~~checks;~~

(b) A determination that all drivers that the wrecker operator will use, regardless of whether such drivers

are an employee, agent, independent contractor, officer, shareholder, member, partner, limited partner, or owner of the wrecker operator, possess a current and valid driver license issued by the department required to operate the type of wrecker or types of wreckers that each driver will operate; and

(c) A review of the driver license record of each driver that the wrecker operator will use to operate wreckers, regardless of whether such person is an employee, agent, independent contractor, officer, shareholder, member, partner, limited partner, or owner of the wrecker operator driver's license status/record checks;

(d) An inspection of each wrecker which the wrecker operator will use to respond to calls for service for compliance with Rule 15B-9.005, F.A.C., if the wrecker operator is approved as an authorized wrecker operator ;

(e) A review of the wrecker operator's compliance with the insurance requirements of this rule chapter and Florida law by the wrecker operator, each wrecker, and each driver, if the wrecker operator is approved as an authorized wrecker operator ;

(f) An inspection of the wrecker operator's state and local licenses, including local occupational licenses for each local government jurisdiction within the zone, to ensure that each required license is current and valid;

(g) A review to determine that the wrecker operator, if other than a natural person or a partnership, is authorized to do business in the state of Florida;

(h) An inspection of the wrecker operator's physical place of businesss in the zone for compliance with the requirements of this rule chapter;

(i) Testing the wrecker operator's communications system to verify that communications system is capable of receiving calls for service at the wrecker operator physical place of business;

(j) Verifying that the wrecker operator has a telephone number for calls from the public that will be

answered at the wrecker operator's physical place of business in the zone; and

(k) An inspection of the wrecker operator's vehicle storage facilities in the zone for compliance with the requirements of this rule chapter; applicant's wrecker(s), equipment and facilities.

The investigator ~~shall~~ will, at the conclusion of his investigation, make a report of his or her~~the~~ findings, weigh and describe the prior experience in the wrecker business, equipment, and storage facilities, of each wrecker operator that has submitted an application and is being considered to be an authorized wrecker operator in the zone, and make a recommendation to the troop commander in writing relating to the wrecker operator's application, and specifically addressing whether the wrecker operator, any principal of the wrecker operator, any wrecker staff person of the wrecker operator, or any driver that the wrecker operator would use, is not reputable.

(5) Thereafter, the troop commander shall make a written recommendation to the division whether a wrecker operator should be approved or denied for inclusion on the list of authorized wrecker operators for a zone. The troop commander must recommend the denial of a wrecker operator's application for inclusion on the list of authorized wrecker operators for a zone if the wrecker operator, a principal of the wrecker operator, any wrecker staff person of the wrecker operator, or any driver the wrecker operator would use, is not reputable.

(6) The division director, or her or his designee, on behalf of the division shall enter a final order determining ~~troop commander will decide~~ whether a ~~the~~ wrecker operator is approved or denied for inclusion in ~~on~~ the wrecker operator system for a zone, based upon ~~rotation list according to~~ Rules 15B-9.003, 19B-9.0031, 19B-9.0032, 15B-9.005, 15B-9.006, 15B-9.007 and 15B-9.011, F.A.C.

(7) ~~(e)~~ The ~~division~~ ~~Division~~ shall deny a wrecker operator's application for ~~the applicant's~~ inclusion on the list of authorized wrecker operators for a zone ~~rotation list~~ if the wrecker operator:

~~(a)1. Wrecker operator fails~~ Fails to meet or comply with any the provisions of this rule chapter these rules, or

~~(b)2. Wrecker operator fails~~ Fails to maintain any local or state license required for the operation of a wrecker service.

~~(c) Wrecker operator, any principal of the wrecker operator, any wrecker staff person of the wrecker operator, or any driver the wrecker operator will use is not reputable.~~

~~(3) To be eligible for inclusion on the wrecker rotation list to tow in a particular zone, the wrecker operator's place of business must be located in that zone.~~

~~(a) An operator's place of business must have the following:~~

~~1. The business must have a sign that identifies it to the public as a wrecker establishment. The sign must be painted with letters of at least four (4) inches in height and placed so that it is clearly visible to the public.~~

~~2. The place of business must maintain office space.~~

~~3. The office must have personnel on duty from at least 8:00 a.m. to 5:00 p.m., Monday through Friday to answer calls from the duty officer and to serve the public. However, on the following holidays observed by state agencies, no personnel are required to be on duty at the office to serve the public: New Year's Day; Birthday of Martin Luther King, Jr., third Monday in January; Memorial Day; Independence Day; Labor Day; Veteran's Day, November 11; Thanksgiving Day, Friday after Thanksgiving; Christmas Day; if any of these holidays fall on Saturday, the preceding Friday shall be observed as the holiday; if any holiday falls on a Sunday, the following Monday shall be observed as the holiday.~~

~~4. The place of business must maintain a telephone communications system to answer calls from the duty officer or from the public, twenty four hours a day.~~

~~5. The wrecker operator and must maintain at least one tow truck and one qualified driver for the place of business.~~

~~(b) Any tow truck(s) operating within the zone shall have the zone address, telephone number and other information on the side of the truck clearly visible to the public as provided in subparagraph 5B-9.005(7)(a)5., F.A.C.~~

~~(e) If there is not a qualified operator in a particular zone, the division Division director or his designee may designate qualified out of zone wrecker operators to be called.~~

(8) An authorized wrecker operator may not lease, assign, transfer, pledge, surrender or otherwise encumber or dispose of her or his approval as an authorized wrecker operator under these rules or the authorized wrecker operator's place on the list of authorized wrecker operators for a zone. A replacement or successor operator must be approved under these rules before being placed in the wrecker operator system. If an authorized wrecker operator transfers ownership to another person or wrecker operator, the new owner must:

(a) Submit a completed Application to be an Authorized Wrecker Operator, HSMV form 60315, and meet all of the requirements of paragraph (3) of this rule;

(b) Be inspected in accordance with the requirements of paragraph (4) of this rule; and

(c) Be approved by the troop commander and the division director pursuant to paragraphs (5) and (6) of this rule.

(9) An authorized wrecker operator may not represent or imply on or in any vehicle, building, advertisement, social media, or correspondence, or any other location or media that the authorized wrecker operator has or maintains any official relationship with the division.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New .

15B-9.0032 Wrecker Operator System; Call Allocation among Authorized Wrecker Operators

~~(1)(4)~~ Authorized wrecker Wrecker operators for located within a zone, as defined herein, shall be called for service by the Division for the removal of a wrecked, disabled, stolen or abandoned vehicle by the division according to the authorized wrecker operator's placement on the list of authorized wrecker operators a ~~Division wrecker rotation list~~ for that zone and according to the wrecker classification for the size of the wrecked, disabled, or abandoned vehicle to be towed. The list of authorized wrecker operators for each zone will initially be listed in alphabetical order based on the names of the authorized wrecker operators. Each authorized wrecker operator on the list for a zone ~~Wrecker operators~~ will be called for service in succession from the top of the list. Following each call for service to an authorized wrecker operator, the authorized wrecker operator that received the call for service shall ~~will~~ be rotated to the bottom of the list, except as provided in subsections (16), (17), or (19)-(18) of this rule. An authorized wrecker operator shall respond to a call for service, in accordance with the information provided in the call for service, with a wrecker tow truck classified to meet or exceed the size of the wrecked, disabled, or abandoned vehicle to be towed.

~~(5)~~ The wrecker operator may not lease, assign, transfer, pledge, surrender or otherwise encumber or dispose of his approval under these rules or his place on the rotation list. A replacement or successor operator must be approved under these rules before being placed within the division's call system. If a wrecker operator currently participating in the rotation list transfers ownership to another wrecker operator, the new owner may remain in the rotation system provided that it otherwise qualifies pursuant to these rules.

~~(2)(6)~~ Wrecker requests from the field will be transmitted to the Florida Highway Patrol so that a call for service may be sent to duty officer who will contact the authorized proper wrecker operator then at the top of the list for the zone where in which the vehicle to be removed is located.

(3) A vehicle owner's or operator's request that a specific wrecker operator be called to handle that vehicle owner's or vehicle operator's vehicle will not change the current position of that wrecker operator on the list

~~of authorized wrecker operators for the zone, if that wrecker operator is an authorized wrecker operator in that zone. Owners' requests for wrecker operators will not be rotated and such operators will maintain their position on the list.~~

~~(4) The division may cancel a call for service to request for services of an authorized a participating wrecker operator at any time. In the event of such a cancellation or a response by an authorized wrecker operator when the authorized wrecker operator renders no without rendering service, the authorized wrecker operator that received the cancelled call for services or that responded but rendered no services will not be rotated to the bottom of the list for that zone and but will maintain its position on the list. However, if H an authorized wrecker operator does not respond to a call request for service within thirty (30) minutes after a call for service (or other reasonable time under the exigent circumstances at the scene, as determined by the division) or if the call for service is cancelled because the authorized wrecker operator notifies the division that arrival of a wrecker will be delayed or the authorized wrecker operator cannot respond within a reasonable time pursuant to Rule 15B-9.004(1), F.A.C., the authorized wrecker operator that received such call for service made under these rules or if the request is cancelled pursuant to Rule 15B-9.004, F.A.C., the operator shall be rotated to the bottom of the list.~~

~~(7) Wrecker operators will be listed only once on each list and only in the name under which they are qualified under the provision of this rule and conducting business in this state. It is prohibited for a wrecker operator conducting business at one location to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating out of the same location or out of different locations within the same zone. When two or more corporations are owned by the same individual, partnership or parent corporation, each may have a separate listing only when each has a separate location and different corporate officers. It is prohibited for two or more wrecker operators owned in whole or in part by the same individual, partnership or parent corporation to be qualified to operate in the same zone.~~

~~(5)(8)~~ Authorized wrecker ~~Wrecker~~ operators shall only respond to accidents or remove vehicles involved in an accident within the division's jurisdiction pursuant to a call for service received directly from a law enforcement agency as set forth in these rules. In the event of a call to an authorized a wrecker operator by someone other than a law enforcement agency, such authorized wrecker operator shall first verify the call through the Florida Highway Patrol troop with jurisdiction in county in which the vehicle is located ~~clear the call through the closest division office~~ before proceeding to the scene.

~~(6)(9)~~ All calls for service to authorized wrecker operators ~~Long distance calls between the division's duty officer and the wrecker operators~~ shall be without cost to the division. Authorized wrecker ~~Wrecker~~ operators shall have no more than one day and one night telephone number. The authorized wrecker operator shall respond to the call for service within 5 minutes after the call for service and indicate ~~will notify the duty officer at the time the call is received~~ whether or not the authorized wrecker operator ~~it~~ will respond to the scene as requested. An authorized ~~The~~ wrecker operator shall notify the division of any change of telephone numbers necessary for the authorized wrecker operator to receive calls for service.

~~(7)(10)~~ Authorized wrecker ~~Wrecker~~ operators shall respond to calls for service ~~be on call~~ twenty-four hours a day, seven days a week. ~~Except as provided in this subsection, answering services or beepers are not permitted. The troop commander may approve the use of an answering service by a wrecker operator if, due to the limited number of operators in a zone, no undue burden is placed on the Division.~~ An authorized ~~The~~ wrecker operator must respond to a call for service ~~acknowledge the rotation call by contacting the duty officer within 5 minutes after the call for services is~~ ~~rotation call was received~~ and indicate whether or not the authorized wrecker operator will respond to the scene as requested ~~by the answering service~~.

(8) If the authorized wrecker operator does not respond to ~~acknowledge~~ the call for service and indicate whether or not the authorized wrecker operator will respond to the scene as requested within 5 minutes of the call for service ~~as required by this subsection~~, the call for service to that authorized wrecker operator shall be

~~cancelled, that authorized wrecker operator shall be rotated~~ ~~duty officer shall cancel the call, rotate the wrecker operator~~ to the bottom of the list, and a call for services shall be sent to the next authorized available wrecker operator on the list for the zone or, if no other authorized wrecker operator in that zone is available, to an authorized wrecker operator in an adjacent zone.

~~(9)(11)~~ Authorized wrecker ~~Wrecker~~ operators are prohibited from calling the Florida Highway Patrol ~~station~~ to ascertain their current placement on the rotation list.

~~(10)(12)~~ Out-of-zone wrecker requests are permitted in the event of an emergency or the absence of an authorized wrecker operator for the zone that has a wrecker of the needed classification to handle the wrecked, disabled, or abandoned motor vehicle of proper classification within the accident or removal zone.

~~(11)~~ If there is not an authorized wrecker operator ~~a qualified operator~~ in a ~~particular~~ zone, ~~the Division director or his designee may designate~~ one or more authorized wrecker operators from an adjacent zone may qualified out of zone wrecker operators to be called into a zone that has no authorized wrecker operators.

~~(12)(13)~~ In the event of specialized recovery requirements not otherwise met by the authorized wrecker operators within the given zone, the division may call specialized recovery equipment on a nearest available basis.

~~(13)(14)~~ For multiple car accidents involving multiple wrecked or disabled vehicles, the authorized wrecker operator next on the list for the zone will be advised in the call for service ~~subject to call by class from the rotation list will be advised by the duty officer~~ of the number of of vehicles needing to be removed ~~tow trucks needed to separately remove each vehicle~~. The authorized wrecker operator will be given the option of removing all of the wrecked or disabled vehicles to be removed if the authorized wrecker operator maintains the number of approved qualified drivers and wreckers ~~tow trucks~~ to accomplish removal within the zone without having to return to the scene. If that authorized ~~the wrecker operator in the zone~~ lacks the capacity within the zone to remove all of the vehicles, that authorized wrecker operator ~~it~~ shall receive a

~~call for service nevertheless be called~~ and additional authorized wrecker operators shall receive calls for service called as needed from the ~~rotation~~ list of authorized wrecker operators for the zone or, if needed from an adjacent zone or zones. Authorized wrecker operators ~~Class C operators~~, which maintain one or more Class C wreckers units in a particular zone, may respond to a call for service for multiple Class C wreckers ~~call~~ by utilizing approved Class C wreckers units owned by that operator from adjacent zones or by using approved Class C wreckers units from another authorized wrecker operator with one or more approved Class C wreckers operator located in the same or adjacent zones, provided that the response can be made within thirty (30) minutes after a call for service (or other reasonable time under exigent existing conditions and circumstances at the scene, as determined by the division). The first authorized wrecker operator on the list of authorized wrecker operators for the zone will have a choice of wrecked vehicles. If the first authorized listed wrecker operator on the list for the zone does not arrive on the scene within thirty (30) minutes after a call for service (or other reasonable time under exigent circumstances at the scene, as determined by the divisions), the investigating trooper may will assign vehicles to responding and available wreckers provided by other authorized wrecker operators that have responded to the call for service. The first wrecker on the scene may be required by the investigating trooper to move vehicles from the roadway, and such movement will not affect the choice of wrecked vehicles by authorized wrecker operators. ~~No fee shall be charged for such service.~~

~~(14)(15)~~ Wrecker files and wrecker logs shall be maintained in electronic form by or on behalf of the division (form HSMV 61131) shall be maintained at each Florida Highway Patrol Station.

~~(15)(16)~~ Authorized wrecker ~~Wrecker~~ operators may request to be taken temporarily off the list of authorized wrecker operators for a zone once within a 90-day period for not more than thirty (30) days by sending a letter or e-mail addressed to the troop commander on form HSMV 60312.

~~(17)~~ The Troop Commander is authorized to limit the number of wrecker operators participating in a particular zone. Wrecker operators currently participating in the system shall not be affected. The Troop

~~Commander shall establish the number of operators for a zone based on maintaining adequate and timely public service as well as minimizing the Division's management of the rotation system. This number may be revised if the Troop Commander finds that the public is not being adequately served as a result of an insufficient number of qualified wrecker operators.~~

~~(16)(18) If an authorized wrecker operator a wrecker responds to a call for service pursuant to these rules and removal of the vehicle is not required, the wrecker operator may charge a reasonable fee for services rendered, which shall include but not be limited to changing a flat tire, providing gas or use of battery jumper cables, assisting in starting a vehicle, or unlocking a vehicle not to exceed \$35. The fee does not include the cost of parts or labor required for any authorized vehicle repairs made at roadside, which may be charged by the wrecker operator in addition to the service fee. A wrecker operator is prohibited from assessing a towing charge if the vehicle is not removed. the authorized~~ The wrecker operator which renders services rather than removing towing a vehicle shall not be rotated to the bottom of the rotation list of authorized wrecker operators for that zone but shall retain its current position on remain at the top of the list of authorized wrecker operators for the zone for the next available call.

~~(17) If an authorized wrecker operator responds to a call for service and the vehicle removed is a bicycle and no other type of a vehicle, the authorized wrecker operator shall not be rotated to the bottom of the list of authorized wrecker operators for that zone but shall retain its current position on the list of authorized wrecker operators for that zone.~~

~~(18)(19) For a period of at least one year from the date of the rendering of services to a vehicle, as provided in subsections (16) or (17)-(18), the authorized wrecker operator shall retain a record of the name, driver's license number, address, and telephone number of the operator driver of the vehicle, the name and address of the registered owner of the vehicle if different from the operator driver, and the make, model and vehicle identification number of the vehicle which was assisted by the authorized wrecker operator. This~~

information shall be provided to the ~~division~~ Division upon request for verification. Providing false information to the ~~division~~ Division concerning the services rendered to the vehicle or the identification of the vehicle owner or vehicle operator ~~driver or the owner~~ shall result in the removal of the authorized wrecker operator from the ~~rotation~~ list of authorized wrecker operators for the zone pursuant to subsections 15B-9.007(1) and ~~(5)(4)~~, F.A.C.

~~(19)~~(20) When an authorized wrecker operator ~~wrecker~~ responds to a call for service ~~by the Division~~ to remove an abandoned vehicle, except for a vehicle which has been reported to a law enforcement agency as a stolen vehicle, the authorized wrecker operator shall not be rotated to the bottom of the ~~rotation~~ list of authorized wrecker operators for that zone, but shall retain its position on ~~remain at the top of~~ the list of authorized wrecker operators for the zone ~~for the next available call~~.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 1-22-86, Formerly 15B-9.03, Amended 10-15-92,_____.

15B-9.004 Response to Calls.

(1) An authorized wrecker operator, after acknowledging a call for service, shall respond to the scene to all requests for service made through the Florida Highway Patrol duty officer within thirty (30) minutes (or a reasonable time under the existing conditions and circumstances, as determined by the division). If a timely response to the scene after acknowledging the call for service cannot be made, the authorized wrecker operator shall notify the Florida Highway Patrol duty officer of the estimated time of delay and the reasons for the delay. The duty officer shall may then cancel the call request for service, rotate the authorized wrecker operator to the bottom of the list for the zone, and send a call for service to request the services of the next authorized available wrecker operator on the list of authorized wrecker operators for the zone or, if no other authorized wrecker operator in that zone is available, to an authorized wrecker operator in an adjacent zone.

(2) Unless authorized by the Florida Highway Patrol in the call for service duty officer, flashing amber lights shall not be used while responding to a call for wrecker service.

(3) Flashing amber lights shall be used at the scene and when towing vehicles from the scene in accordance with Section 316.2397(3), F.S.

(4) When a vehicle is released at the scene by the investigating trooper or representative of the division, the wrecker operator, shall not tow the vehicle to any location outside the zone unless the owner or operator expressly so requests prior to the vehicle being removed from the scene. However, nothing in these rules may be interpreted to require an authorized wrecker operator to move a vehicle out of the zone.

(5) Any ancillary services service by an authorized wrecker operator, such as the use of dolly, dropping and hooking up linkage, are to be performed only if required and appropriate.

(6) The motor vehicle owner or operator is responsible for payment of charges for the removal of the vehicle from the scene and for the storage of the vehicle imposed by the wrecker operator.

(7) In addition to any other penalties authorized by this rule chapter or pursuant to law, an authorized The

wrecker operator will forfeit a call for service and be rotated to the bottom of the list of authorized wrecker operators for that zone when: if the

(a) The authorized wrecker operator or the driver responds his employees or agents respond to the a call for service using a wrecker that the investigating trooper determines cannot safely remove the vehicle, has not been inspected by the division, has not been approved by the division for use by the authorized wrecker operator that received the call for service, is not compliant with the requirements of Rule 15B-9.005, lacks the equipment required by Rule 15B-9.005, or lacks operable equipment necessary for the safe removal of the vehicle.

(b) The driver who responds to the call for service for the authorized wrecker operator has not been approved by the division for use by that authorized wrecker operator, has not been approved by the division, is determined by the investigating trooper to be unable to safely operate the wrecker, or is suspected by the investigation trooper of being under the influence of alcohol or any chemical substance in a non-approved wrecker or in such a condition that the officer on the scene reasonably believes that the vehicle cannot be safely removed. An example of such condition includes being under the influence of alcohol or any chemical substance or controlled substance.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 1-22-86, Formerly 15B-9.04, Amended 10-15-92,_____.

15B-9.005 Wrecker Classification; Prohibited Equipment and Required Equipment.

(1) Each wrecker tow truck owned, or used, or operated maintained by a wrecker operator applying to be included in the wrecker operating system or by an authorized a wrecker operator, to respond to a call for serviceshall be commercially manufactured and shall conform to the requirements of this rule. The requirements for commercial manufacture of trucks and equipment are waived for those operators who have been on the division's rotation list for one year prior to January 22, 1986. The wrecker and all equipment required by this rule for a wrecker of each specified class of wrecker shall be operable.

(2) Each such wrecker The tow truck and the equipment required for each wrecker shall be inspected by the division's local troop commander or her or his designee and approved by the troop commander prior to the wrecker being used by an authorized wrecker operator to respond to a call for service and at least once annually thereafter for compliance with the requirements of this rulebefore being placed on the rotation list. The division also may inspect each wrecker at any time to ensure that the wrecker and the equipment on each wrecker used by an authorized wrecker operator meet the requirements of this rule. At the conclusion of each inspection, the division must provide the authorized wrecker operator with a report of the results of the inspection signed on behalf of the division by the person who performed the inspection. A representative of the authorized wrecker operator must acknowledge receipt of the results of the inspection in writing at the conclusion of the inspection. Thereafter, trucks and equipment shall be subject to periodic checks as necessary to ensure compliance with these rules.

(3) Wreckers equipped with airbrakes must be inspected in accordance with and shall meet the Commercial Vehicle Safety Alliance North American Standard level 1/5 inspection at a time and location which the division deems safe and adequate to perform such inspection. Wreckers equipped with airbrakes may not be used by an authorized wrecker operator to respond to a call for service until the wrecker's airbrakes have been inspected and the wrecker has qualified for and the wrecker displays the Commercial Vehicle Safety Alliance

decal in the location specified by the Commercial Vehicle Safety Alliance.

(4) Sirens on wreckers are prohibited.

(5)(4) A wrecker owned, used, or operated by an authorized wrecker operator to respond to a call for service may not display any sign or indicia which represents or implies that the authorized wrecker operator has any official relationship with the division. The wrecker operator shall not represent or imply on any vehicle, building or correspondence an official relationship between the wrecker operator and the division or any other police agency.

(6)(5) A wrecker owned, used, or operated by an authorized wrecker operator, an authorized wrecker operator, and the physical place of business of an authorized wrecker operator may not~~It is prohibited for a tow truck or the business establishment maintained by the wrecker operator to have, use, or possess~~ any equipment capable of monitoring messages or signals or frequencies assigned to or used by the division.

(7)(6) Each wrecker owned, used, or operated by an authorized wrecker operator to respond to calls for service~~All trucks operated pursuant to this rule shall be equipped with a business type communication radio or mobile telephone capable of receiving and responding to calls for service throughout the entire zone in which the authorized wrecker operator operates and capable of receiving and communicating with the physical place of business of the authorized wrecker operator or cellular telephone. There shall be one radio or phone for each truck. Such equipment shall be licensed and approved by the Federal Communications Commission. The mobile radio or telephone shall enable the wrecker operator to communicate with his area of operations from any point within the assigned zone. A citizens band radio does not meet the requirements of this section. The troop commander may waive this requirement for all wrecker operators within a zone upon a showing that due to the limited number of operators in a zone that the installation of such communication devices is unnecessary or cost prohibitive or that the service is not readily available.~~

(8)(7) Each wrecker owned, used, or operated by an authorized wrecker operator to respond to calls for

service must have: Specifications and required equipment shall be as follows:

(a) A wheel lift. ALL wreckers (All Classifications) shall include the following:

~~1. A cradle, tow plate or tow sling to pick up vehicles. The cradle, tow plate or tow sling shall be equipped with safety chains and constructed in such a manner that it will not damage the vehicle to be towed.~~

(b) ~~2.~~ Dual rear wheels.

(c) ~~3.~~ Clearance and marker lights and all other equipment as required by Chapter 316, Florida Statutes F.S.

(d) ~~4.~~ Emergency lighting authorized or required by Chapter 316, Florida Statutes ~~A rotor beam, or strobe-type light, amber in color,~~ mounted on the wrecker in such a manner that it can be seen from the front, rear, and both sides of the wrecker with or without a load.

(e) Rear facing work lights.

(f) ~~5.~~ The name, address and telephone number of the authorized wrecker operator's physical place of business ~~for the zone in which the operator is qualified~~ must be ~~painted or~~ permanently affixed in a conspicuous place in contrasting colors on the driver and passenger ~~both~~ sides of the wrecker, trucks as required by Section 713.78(8), Florida Statutes ~~713.78(6), F.S.~~

1. The name of the authorized wrecker operator must be at least three (3) inches in height and the address and telephone number of the authorized wrecker operator's physical place of business must be at least one (1) inch in height.

2. Magnetic or removable signs or placards may not be used to meet said requirements.

3. Only one address and one telephone number may appear on the wrecker.

(g) A wrecker unit number must be permanently affixed in contrasting colors in a conspicuous place ~~shall be painted on the driver and passenger~~ ~~both~~ sides of the ~~cab of each~~ wrecker.

1. The wrecker unit number at least three (3) inches in height.

2. The wrecker unit number for each wrecker owned, used, or operated by an authorized wrecker operator

must be unique and the same wrecker unit number may not be used same unit number on two or more wreckers owned, used, or operated by an authorized wrecker operator qualified to tow within a zone is prohibited.

~~Multiple addresses and telephone numbers are prohibited.~~

3. Magnetic or removable signs or placards may not be used to meet said requirements.

~~a. The name must be in letters at least three (3) inches in height.~~

~~b. The zone address and telephone number must be at least one (1) inch in height.~~

~~c. The unit number must be at least three (3) inches in height and in contrasting color.~~

~~d. Magnetic or removal signs or placards will not meet these requirements.~~

(h) 6. One At least one heavy duty push broom with a minimum width of twenty-four (24) inches.

(i) 7. One square shovel.

~~8. One ax.~~

(j) 9. One crowbar or prybar with a minimum length of thirty (30) inches.

(k) 10. Minimum of one (1) full five pound, commercially-manufactured CO₂ or dry chemical fire extinguisher or equivalent with. Must be approved type and have a current inspection tag attached.

(l) 11. One (1) pair of bolt cutters with a minimum opening of 1/2 inch.

(m) 12. One (1) set of jumper cables or a charged jump box.

(n) 13. One (1) four-way lug wrench.

(o) 14. One (1) flashlight.

(p) Five (5) operational safety illumination devices for temporary traffic control.~~15. Five thirty minute fuses.~~

(q) 16. One snatch block for each wire rope winch with manufacturer's rating to match the specifications of the wire rope winch.

(r) 17. Extra towing chain six (6) to eight (8) feet in length with hooks.

~~(s) 18. Six (6) thirty-six inch tall~~ At least three (3) safety cones or triangle reflectors.

~~(t) Two (2) five-gallon or larger buckets or containers of absorbant material.~~

~~(u) Conspicuous markings using red and high visability yellow-green decals made from retro-reflective materials affixed to the rear facing portion of the wrecker at least two (2) inches in height positioned horizontally and extending across the full width of the wrecker.~~

~~(v) One (1) contractor debris bag, bucket, or container.~~

~~(w) Tow lights to be placed on the rear of the vehicle being towed.~~

~~19. Fifty pounds of sand or equivalent.~~

~~(9)(10)(b) In addition to the requirements in Rule 15B-9.005(8), F.A.C., each Class A wrecker owned, used, or operated by an authorized wrecker operator to respond to calls for service must have: Class “A” Wreckers — For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less. Specifications and equipment in addition to requirements outlined in paragraph 15B-9.005(7)(a), F.A.C., shall be as follows:~~

~~(a) 1- A truck chassis with a manufacturer’s rated capacity of at least 11,000 ~~10,000~~ pounds gross vehicle weight. The wrecker must have been designed and A complete, commercially manufactured for vehicle retrieval and removal and fitted with a boom and winch(es) having a manufacturer’s combined rating of at least four (4) tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements and will not be approved.~~

However, Class A wreckers owned, used, and operated by an authorized wrecker operator to respond to calls for service on or before July 1, 2025, must have a truck chasis with a manufacturer’s rated capacity of at least 10,000 gross vehicle weight and a complete, commercially manufacturereed boom and winch(es) having a manufacturer’s combined rating of at least four (4) tons must be mounted on the chasis. Hand crank winches

do not satisfy these requirements.

(b) 2- A minimum of one hundred feet of 3/8-inch wire rope cable.

(c) 3- Dollies.

4. ~~Flood lights on the hoist.~~

(d) 5- If the wrecker utilizes wheel lifts, the wheel lifts shall be rated at a minimum of 3,400 lbs. lift capacity and must utilize wheel safety straps when lifting vehicles by the wheels only.

However, wreckers owned, used, and operated by an authorized wrecker operator to respond to calls for service on or before July 1, 2025, Vehicles which are equipped with wheel lifts or the equivalent may also qualify as Class A wreckers so long as the Class A wreckers are equipped with a boom and the wheel lifts are rated at a minimum of 3,000 lbs. lift capacity and utilize wheel safety straps when lifting vehicles by the wheels only.

~~6. Operators who wish to remove cars and light trucks may have, in addition, a roll back or slide back carrier truck/trailer with specifications and equipment as provided in subsection (c) of this rule.~~

~~7. HSMV Form 60308 shall be used by the Division for the inspection of Class "A" wreckers.~~

(10)(e) In addition to the requirements in Rule 15B-9.005(8), F.A.C., each roll-back or slide-back wrecker owned, used, or operated by an authorized wrecker operator to respond to calls for service must have: -Class "A" Roll Back or Slide Back Wreckers— For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less. Specifications and equipment for roll back or slide back carriers in addition to the requirements outlined in subparagraphs 15B 9.005(7)(a)2. 20., F.A.C., shall include the following:

(a) 1- A truck chassis with a manufacturer's rated capacity of at least 15,000 ~~10,000~~ pounds gross vehicle weight with a minimum of a nineteen (19) ~~sixteen (16)~~ foot bed, dual rear wheels and a winch with at least

8,000 pound capacity.

However, roll-back or slide-back wreckers owned, used, and operated by an authorized wrecker operator to respond to calls for service on or before July 1, 2025, must have a truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight with a minimum of a sixteen (16) foot bed, dual rear wheels and a winch with at least an 8,000 pound capacity.

~~(b) 2.~~ A minimum of 50 feet of 3/8-inch wire rope cable.

~~(c) 3.~~ A minimum of a four point two safety tie-down systems, straps, or chains of at least ten (10) feet each in length.

~~4.~~ Two spot (flood) lights mounted on the rear of the carrier.

~~5.~~ A roll back or slide back carrier trailer shall meet the following requirements:

~~a.~~ A commercially manufactured carrier trailer with a rated capacity of at least 8,000 pounds gross vehicle weight with a minimum sixteen (16) foot bed. A winch with at least 8,000 pound capacity.

~~b.~~ A minimum of 50 feet of 3/8 inch cable.

~~(d) e.~~ Brakes and trailer lights which meet the minimum statutory requirements of Florida law.

~~(e) d.~~ Safety chains.

~~e.~~ Must be towed by and used in conjunction with an approved wrecker that meets or exceeds the class of the vehicle to be towed.

~~6.~~ HSMV Form 60305 shall be used by the Division for the inspection of roll back and slide back carriers.

~~(11) (d)~~ In addition to the requirements in Rule 15B-9.005(8), F.A.C., each Class B wrecker owned, used, or operated by an authorized wrecker operator to respond to calls for service must have: ~~Class "B" Wreckers~~ For removal of medium duty trucks or vehicles weighing 20,000 pounds gross vehicle weight or less. Specifications and equipment in addition to the requirements outlined in paragraph 15B-9.005(7)(a), F.A.C., shall be as follows:

~~(a) 1.~~ A truck chassis with a manufacturer's rated capacity of at least 25,500 ~~20,000~~ pounds gross vehicle weight. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least ten (10) ton capacity mounted on the chassis. ~~Class B wreckers that were previously approved at 15,000 pounds gross vehicle weight may continue in use within this class, even if sold to another approved rotation operator.~~

However, Class B wreckers owned, used, and operated by an authorized wrecker operator to respond to calls for service on or before July 1, 2025, must have a truck chassis with a manufacturer's rated capacity of at least 20,000 pounds gross vehicle weight and a complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least ten (10) ton capacity mounted on the chassis.

~~(b) 2.~~ A minimum of one hundred feet of at least 7/16-inch wire rope ~~1/2-inch cable~~ on each drum.

~~(c) 3.~~ One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.

~~4. Flood lights on the hoist.~~

~~5. HSMV Form 60307 shall be used by the Division for the inspection of Class "B" wreckers.~~

(12)(e) In addition to the requirements in Rule 15B-9.005(8), F.A.C., each Class C wrecker owned, used, or operated by an authorized wrecker operator to respond to calls for service must have: Class "C" Wreckers
~~—For the removal of heavy duty trucks, house trailers, buses, etc., weighing over 20,000 pounds gross vehicle weight. Specifications and equipment in addition to the requirements outlined in paragraph 15B-9.005(7)(a), F.A.C., shall be as follows:~~

~~(a) 1.~~ A truck chassis with a manufacturer's rated capacity of at least 52,000 ~~30,000~~ pounds gross vehicle weight and 50,000 pounds gross vehicle weight for tandem axle trucks. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least 25 ton capacity mounted on the chassis.

However, Class C wreckers owned, used, and operated by an authorized wrecker operator to respond to calls for service on or before July 1, 2025, must have a truck chasis with a manufacturer's rated capacity of at least 30,000 pounds gross vehicle weight and 50,000 gross vehicle weight for tandem axle trucks and a complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least 25 ton capacity mounted on the chassis.

(b) 2- A minimum of two hundred feet of at least 5/8-inch wire rope cable on each drum.

(c) 3- Air brakes so constructed as to lock the rear wheels automatically upon failure.

(d) 4- External air hookup and hoses, to supply air to disabled vehicles.

(e) 5- One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.

~~6. Flood lights on the hoist.~~

~~7. HSMV Form 60306 shall be used by the Division for the inspection of Class "C" wreckers.~~

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 1-22-86, Formerly 15B-9.05, Amended 10-15-92, 10-2-95,_____.

15B-9.006 Authorized Wrecker Operator Requirements.

(1) All ~~wrecker operators and~~ drivers must have in their possession a valid Florida driver's license as required by Florida law for the operation of any wrecker owned, used, or operated by the authorized wrecker operator vehicle to be driven. ~~Prior to approval, the Division shall obtain background information on each driver, including the driver history record. Form HSMV 60314 shall be used by the Division to record such information.~~

(2) ~~(a)~~ An authorized The wrecker operator:

(a) Must obtain and submit to the division a criminal background check from the Florida Department of Law Enforcement of each driver prior to a driver being used by an authorized wrecker operator to respond to calls for service.

(b) May not use a driver to respond to a call for service if the driver is not reputable.

(c) Shall immediately notify the division of any changes in ~~wrecker~~ driver(s), wreckers, wrecker unit numbers, insurance coverage, any circumstances that would cause the authorized wrecker operator, any principal of the authorized wrecker operator, any wrecker staff persons of the authorized wrecker operator, or any driver for the authorized wrecker operator to be not reputable, or any other changes relating to ownership or management of the authorized wrecker operator business.

(d) Must obtain and submit to the division concurrent with the annual inspection required pursuant to Rule 15B-9.005(2) a criminal background check from the Florida Department of Law Enforcement of the authorized wrecker operator, each principal of the authorized wrecker operator, each wrecker staff person of the authorized wrecker operator, and each driver used by the authorized wrecker operator to respond to calls for service.

(3) ~~(2)~~ Authorized wrecker ~~Wrecker~~ operators and ~~their~~ drivers are required to comply and be familiar with this rule chapter, Section 321.051, Florida Statutes, Chapter 323, Florida Statutes, and the Florida

Uniform Traffic Control Law, Chapter 316, Florida Statutes, and Section 713.78 (2), (8), (12)(d), (17), (18), (19), and (20), Florida Statutes. F.S.

(4) (3) Wrecker operators properly at the scene as a result of a call for service or to remove a wrecked, disabled, or abandoned vehicle, respectively, of an accident shall remove a ~~only the~~ vehicle only involved at the direction of the investigating trooper, troop commander, or her or his designee, division, or investigating officer.

(5) (4) Wrecker operators shall sweep glass from the roadway, and remove all debris or hazards from the scene, and comply with the requirements of Section 316.2044(2), F.S.

(6) (5) ~~Authorized wrecker~~ Wrecker operators shall impound ~~such~~ vehicles as requested by the investigating a trooper, troop commander, or her or his designee, or a division representative.

(7) (6) Each driver ~~Wrecker driver~~(s) shall be thoroughly familiar with the operation of the wrecker he or /she is operating and be able to demonstrate the proper and safe operation of such wrecker.

(8) (7) Not later than 180 days after being approved by the division to operate a wrecker on behalf of an authorized wrecker operator or not later than 180 days after the effective date of this rule, each driver shall complete the following courses:

- (a) The National Traffic Incident Management (TIM) Response Training Program or equivalent.
- (b) The National Incident Management System, an Introduction (IS700) or equivalent.

The driver or an authorized wrecker operator on behalf of its driver, upon the driver's completion of such courses, shall provide the division evidence that the driver completed such courses. If a driver or an authorized wrecker operator does not timely submit evidence of the driver's completion of such courses, the driver is ineligible to operate a wrecker to respond to a call for service on behalf of any authorized wrecker operator.

(9) At all times while at the scene as a result of a call for service, a driver and all persons operating a wrecker or assisting such persons must wear American National Standards Institute (ANSI) approved high visibility safety apparel.

(10) Except and only as provided in subsection 15B-9.0032(13), F.A.C., 15B-9.003(14), F.A.C., for Class C wreckers, an authorized wrecker operator may operators who are called from the rotation list shall not delegate or request assistance from another wrecker operator to perform the services in response to a call for service necessary to accomplish the recovery or removal of vehicles in that class as defined pursuant to these rules. An authorized A wrecker operator unable to respond a call for service perform the recovery or removal shall be rotated to the bottom of the list for that zone and the next authorized wrecker operator on the list for that zone rotation wrecker on that list shall receive that call for service be called.

(11)(8) The Department is not responsible for any damage to a vehicle caused by a the wrecker operator.

(9) Insurance.

(a) The wrecker operator shall maintain the following policies of insurance according to the minimum limits set forth below. Each policy shall be in the name of the wrecker operator and shall include coverage for towing and storage. The policy shall be effective throughout the period that the wrecker operator is qualified under these rules. It is not the intent of this rule to limit the operator to the types of insurance required herein.

1. Worker's compensation and employer's liability insurance as required by statute.
2. Garage liability insurance in an amount not less than \$300,000 combined single limit liability.
3. Garage keeper's legal liability insurance in an amount not less than \$50,000 for each loss, covering perils of fire and explosion; theft of a vehicle, its parts or contents; riot and civil commotion; vandalism; malicious mischief; and damage to a vehicle in tow.

4. The following minimum levels of combined bodily injury liability insurance and property damage liability insurance required by Section 627.7415, F.S., in addition to any other insurance requirements as

~~required by this rule.~~

~~a. Fifty thousand dollars (\$50,000) per occurrence for a wrecker with a gross vehicle weight of less than 35,000 pounds.~~

~~b. One hundred thousand dollars (\$100,000) per occurrence for a wrecker with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.~~

~~c. Three hundred thousand dollars (\$300,000) per occurrence for a wrecker with a gross vehicle weight of 44,000 pounds or more.~~

~~(b) The insurance coverage required shall include those classifications that are listed in standard liability manuals, which most nearly reflect the operations of wrecker operators.~~

~~(c) All insurance policies required above shall be issued by companies authorized to do business in the State of Florida.~~

~~(d) The wrecker operator shall furnish certificates of insurance and a "Wrecker Insurance Statement of Compliance" (HSMV form 60313) to the troop commander prior to approval for participation on the rotation list, and thereafter thirty (30) days prior to the expiration dates of the policies. The certificates shall clearly indicate that the wrecker operator has obtained insurance of the type, amount and classifications required for compliance with this rule and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the Division. Upon failure of an approved wrecker operator to provide proof of insurance, as required by this paragraph, the Division shall provide notice to the wrecker operator pursuant to form HSMV 60311, of its non-compliance.~~

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 1-22-86, Formerly 15B-9.06, Amended 10-15-92, _____.

15B-9.007 Grounds for Denial of Inclusion on, or Removal or Suspension from, Wrecker Operator System Rotation List.

(1) Violation of or failure to comply with any provision of this rule chapter by a wrecker operator seeking to be an authorized wrecker operator for a zone, including by a principal of the wrecker operator or a driver that the wrecker operator would use, shall be grounds for denial of the wrecker operator's application to be an authorized wrecker operator.

(2) Notwithstanding any other provisions of this rule, a wrecker operator, a principal of a wrecker operator, a wrecker staff person of a wrecker operator, or a driver that the wrecker operator would use, that is not reputable shall result in the denial of the wrecker operator's application to be an authorized wrecker operator.

(3) Except as otherwise provided in this rule, violation of or failure to comply with any provision of this rule chapter by an authorized wrecker operator shall be grounds for the removal or suspension of the authorized wrecker operator from the wrecker operator system or, if the violation or failure to comply relates only to an authorized wrecker operator in only one zone, from the list of authorized wrecker operators for that zone.

(4) Except as otherwise provided in this rule, violation of or failure to comply with any provision of this rule chapter by a driver for an authorized wrecker operator shall be grounds for the removal or suspension of the authorized wrecker operator from the wrecker operator system or, if the violation or failure to comply relates only to the authorized wrecker operator in one zone, from the list of authorized wrecker operators for that zone.

(5) Notwithstanding any other provisions of this rule, an authorized wrecker operator, a principal of an authorized wrecker operator, a wrecker staff person of an authorized wrecker operator, or a driver for an authorized wrecker operator, that is not reputable shall result in removal of the authorized wrecker operator

from the wrecker operator system or, if the person who is not reputable is affiliated with the authorized wrecker operator in only one zone, from the list of authorized wrecker operators for that zone.

(6) Violations of the following offenses shall result in a letter of warning issued by the division from the division's district commander for the first offense; a 30-day, 30 days suspension from the wrecker operator system or, if the authorized wrecker operator operates in more than one zone, from the list of authorized wrecker operators for the zone in which the violation occurred for a second offense within 3 years of the first offense; , and removal from the wrecker operator system or, if the authorized wrecker operator operates in more than one zone, from the list of authorized wrecker operators for the zone in which the violation occurred for a third or subsequent offense within 5 years from the first offense:

(a) Chasing or running wrecks in a zone without a proper call for service from the division.

(b) Solicitation.

(c) Failure to provide service answer a call three times within thirty (30) days a calendar month.

(d) Inability to properly operate the wrecker at the scene following a call for servicetow truck in the removal of disabled vehicles or to remove a vehicle without causing damage or additional damage to a vehicle.

(e) Any charge, demand, or request by an authorized a wrecker operator of a rate which exceeds the applicable maximum rate established pursuant to Rule 15B-9.010 by the Division.

(7) ~~(3)~~ Removal of a wrecked, disabled or abandoned vehicle without investigation or clearance by the investigating trooper or by a proper law enforcement agency shall result in a 30--days suspension from the wrecker operator system or, if the authorized wrecker operator operates in more than one zone, from the list of authorized wrecker operators for the zone in which the violation occurred for a first offense; and removal from the wrecker operator system or, if the authorized wrecker operator operates in more than one zone, from the list of authorized wrecker operators for the zone in which the violation occurred for a second or subsequent

offense within 3 years of the first offense.

~~(4) Lack of reputability of a wrecker operator shall result in removal from the rotation wrecker list. For the purpose of this rule, lack of reputability shall mean that the division cannot trust the wrecker operator to safeguard the welfare and property of the public. Lack of reputability shall include, but not be limited to, the following:~~

~~(a) Conviction of any felony without restoration of the person's civil rights.~~

~~(b) Conviction of any felony or first degree misdemeanor directly related to the business of operating a wrecker, regardless of whether civil rights have been restored. For the purpose of this rule, any offense involving perjury or false statement shall be considered to be directly related to the business of operating a wrecker.~~

~~(c) Responding to a call while under the influence of alcohol or any controlled substance or chemical substance.~~

~~(8)(5) If a wrecker unit of an authorized wrecker operator is inspected by the division and fails to meet the requirements of Rule 15B-9.005, F.A.C., the following action shall be taken:~~

~~(a) The failed wrecker unit shall be immediately suspended from the list by the division, pursuant to "Notice of Emergency Suspension and Administrative Complaint (Inspection)", form HSMV 60310, until such time as the wrecker passes inspection by the division and is approved for use on the wrecker operator system. The operation of a ~~non-qualified~~ wrecker that has failed to meet the requirements of Rule 15B-9.005, F.A.C., unit is declared to be an immediate serious danger to the public health, safety or welfare requiring the immediate suspension of the wrecker unit. The continued use by an authorized wrecker operator of a suspended wrecker unit that has failed to meet the requirements of Rule 15B-9.005, F.A.C., and that has been suspended, to respond to calls for service shall constitute grounds for the emergency suspension of an authorized the wrecker operator using that wrecker unit from the wrecker operator system.~~

(b) If the suspended wrecker ~~In the event this~~ is the only wrecker ~~unit~~ maintained by the authorized wrecker operator which has been approved by the division for the wrecker's ~~its~~ class and zone ~~of operation~~, the authorized wrecker operator shall be suspended immediately by the division ~~Division~~ from the list of authorized wrecker operators in the zone and for the wrecker class. The division ~~Division~~ shall issue a "Notice of Emergency Suspension and Administrative Complaint (Inspection)", form HSMV 60310 to effect the suspension. The suspension shall continue until such time as the wrecker successfully passes inspection and is approved for use, or the authorized wrecker operator is removed from the list of authorized wrecker operators in the zone for the failure of the wrecker to pass inspection. The authorized wrecker operator must correct the deficiencies with the wrecker and request that the division re-inspect ~~to have the wrecker unit not later than re-inspected within~~ 30 days from the date of the suspension. If the wrecker ~~unit~~ has not been re-inspected and approved by the division within that ~~the~~ 30 day period, the authorized wrecker operator shall be removed from the list of authorized wrecker operators in the zone.

(9) ~~(6)~~ Insurance Coverage: If an authorized ~~the~~ wrecker operator's insurance policy is canceled, ~~or~~ not renewed, or fails to meet ~~according to~~ the requirements of Rule 15B-9.0031(3)(e) ~~15B-9.006~~, F.A.C.:

(a) The authorized wrecker operator shall be immediately suspended ~~from the list~~ by the division from the wrecker operator system or, if the authorized wrecker operator operates in more than one zone, from the list of authorized wrecker operators for the zone to which the insurance cancellation, nonrenewal, or failure to meet said requirements relates. Form HSMV 60309 "Notice of Emergency Suspension and Administrative Complaint (Insurance)" shall be issued by the division ~~Division~~. The use of a wrecker by an authorized ~~a~~ wrecker operator without ~~who does not maintain~~ the insurance coverage required by these rules is ~~declared to be~~ an immediate serious danger to the public health, safety or welfare requiring the immediate suspension of the wrecker operator. The continued use by an authorized wrecker operator of a wrecker without the insurance coverage required by these rules shall constitute grounds for the removal of the authorized wrecker operator

from the wrecker operator system or, if the authorized wrecker operator operates in more than one zone, from the list of authorized wrecker operators for the zone to which the insurance cancellation, nonrenewal, or failure to meet such requirements relates.

(b) If the required insurance coverage is not obtained and provided to the division on the Statement of Compliance form HSMV 60313 within 30 calendar days of the suspension pursuant to subparagraph (a) date of cancellation or expiration, the authorized wrecker operator shall be removed from the wrecker operator system list.

(10) (7) Once an authorized a wrecker operator has been suspended ~~for more than~~ 30 days or has been removed from the list of authorized wrecker operators for a zone, the authorized wrecker operator must make a new application for ~~retention or~~ inclusion on the list of authorized wrecker operators for for that zone, if a vacancy exists on the list of authorized wrecker operators for that zone.

(11) (8) Authorized wrecker ~~Wrecker~~ operators are responsible for complying with any applicable federal, state, county or city laws, rules or regulations regarding the removal, towing, recovery, storage and notification of owners and lien holders. Authorized wrecker ~~Wrecker~~ operators shall maintain all any local or state licenses license required for the operation of a authorized wrecker operator's business within the zone or zones in which the authorized wrecker operator provides service. If a ~~the~~ required license is not obtained and provided to the division within 30 days of the date of cancellation or expiration of such license, the authorized wrecker operator shall be removed from the list of authorized wrecker operator for the zone or zones to which such license relates.

*Rulemaking Authority 321.051, 120.80(8) ~~120.60(8)~~ FS. Law Implemented 321.051, 321.05(1) FS. History—
New 1-22-86, Formerly 15B-9.07, Amended 10-15-92, _____.*

15B-9.008 Procedure for Denial of Inclusion on, or Removal or Suspension from, Wrecker Operator System Rotation List.

(1) Denials of applications for inclusion in the wrecker operator system, suspensions from and removals of authorized wrecker operators from the wrecker operator system, and any other actions by the division as to a wrecker operator, principal of a wrecker operator, authorized wrecker operator, principal of an authorized wrecker operator, driver, or wrecker unit ~~The procedure for denial of inclusion on, or removal or suspension from, a rotation list~~ shall be governed by Chapter 120, F.S. and Rule 15-2.001, F.A.C. Final agency action shall be taken by the division director ~~Division Director~~ or his or her designee.

(2) Hearings on denials of applications for inclusion in the wrecker operator system, suspensions from and removals of authorized wrecker operators from the wrecker operator system, and any other actions by the division as to a wrecker operator, principal of a wrecker operator, authorized wrecker operator, principal of an authorized wrecker operator, driver, wrecker staff person, or wrecker unit ~~Hearings held by the Division to deny, suspend, or remove a wrecker operator from participating in the wrecker rotation system~~ shall be held by a hearing officer appointed by the division ~~Division Director~~.

(3) ~~A final order of the Department denying suspending, or revoking a wrecker operator's participation in the rotation system shall be reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by writ of certiorari issued by the circuit court in the county wherein such wrecker operator shall reside.~~

Rulemaking Authority 321.051, 120.80(8) ~~120.60(8)~~ FS. Law Implemented 321.051, 321.05(1), 120.57(1) FS. History—New 1-22-86, Formerly 15B-9.08, Amended 10-15-92,_____.

15B-9.009 Wrecker Forms.

The forms identified in this rule chapter are listed below by number, title and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the nearest Florida Highway Patrol station.

- (1) HSMV 60305 (Rev. ~~___/___/7/90~~), ~~Roll Back or Slide Back Carrier Wrecker Inspection Form.~~
- (2) HSMV 60306 (Rev. ~~___/___/7/90~~), ~~Class C Wrecker Inspection Form.~~
- (3) HSMV 60307 (Eff. ~~___/___/7/90~~), ~~Class B Wrecker Inspection Form.~~
- (4) HSMV 60308 (Eff. ~~___/___/12/89~~), ~~Class A Wrecker Inspection Form.~~
- (5) HSMV 60309 (Rev. ~~___/___/7/90~~), ~~Notice of Emergency Suspension and Administrative Complaint (Insurance).~~
- (6) HSMV 60310 (Rev. ~~___/___/7/90~~), ~~Notice of Emergency Suspension and Administrative Complaint (Inspection).~~
- (7) HSMV 60311 (Eff. ~~___/___/12/89~~), ~~Notice of Non-Compliance (Insurance Requirements).~~
- (8) HSMV 60312 (Rev. ~~___/___/7/90~~), ~~Wrecker Company Removal Request.~~
- (2)(9) HSMV 60313 (Rev. ~~___/___/7/90~~), ~~Wrecker Insurance Statement of Compliance.~~
- (3)(10) HSMV 60314 (Eff. ~~___/___/12/89~~), ~~Wrecker Driver Information.~~
- (4)(11) HSMV 60315 (Rev. ~~___/___/7/90~~), ~~Application For Inclusion in the Wrecker Operator System~~
~~Wrecker Rotation List.~~
- (12) HSMV 61131 (Rev. ~~4/89~~), ~~Wrecker Log and Wrecker Call Summary Report.~~

Rulemaking Authority 321.051, 120.55(1) FS. Law Implemented 321.05(1), 321.051 FS. History—New 10-15-92. Amended, _____.

15B-9.010 Maximum Rates for Towing and Storage; Complants of Violations of Maximum Rates for Towing and Storage.

(1) ~~Public Service Rates.~~ Wrecker operators that tow, remove, store, or otherwise deal with a wrecked, disabled, or abandoned vehicle at the division's request, or at the request of a trooper acting on the division's behalf, located in a county or municipality zones for in which maximum rates for towing and storage of vehicles ~~removed at the division's request~~ have been established or adopted by a ~~county commission or municipal commission~~ pursuant to Sections 125.0103 or and 166.043, Florida Statutes, respectively, F.S., or other applicable authority, shall comply with those maximum rates.

(2)(a) For counties or municipalities that have not established maximum rates for towing and storage of vehicles pursuant to Sections 125.0103 or 166.043, Florida Statutes, and for counties which have adopted such an ordinance but that ordinance adopts the maximum towing rates established by the division, the division will establish maximum rates for towing, removing, storage or dealing with wrecked, disabled, or abandoned vehicles removed at the division's request, or at the request of a trooper acting on the division's behalf, in such counties or municipalities based on the maximum towing and storage rates contained in the applicable county ordinance.

(b) For purposes of this rule:

1. "Applicable county ordinance" means the ordinance with the lowest base rate which was enacted pursuant to Section 125.0103, Florida Statutes, by a county that is contiguous to and within the troop boundaries containing the county which has not established maximum rates for towing and storage.

Provided however, if no county which has adopted an ordinance establishing maximum towing rates pursuant to Section 125.0103, Florida Statutes, is contiguous to a county which has not adopted an ordinance to establish maximum towing rates pursuant to Section 125.0103, Florida Statutes, and within the troop

boundaries, then the applicable county ordinance means the ordinance which was enacted pursuant to Section 125.0103, Florida Statutes, by the county nearest to the county which has not enacted an ordinance establishing maximum towing rates pursuant to Section 125.0103, Florida Statutes, within the troop boundaries.

2. “Base rate” means the single and basic charge for a Class A Wrecker or for towing or removal of a vehicle weighing 10,000 pounds or less gross vehicle weight directed by a governmental agency, including a law enforcement agency, exclusive of any other charge or fee, including, but not limited to, a mileage fee or charge, fees for time at the scene, hourly fees, winching or recovery fees, labor fees, administrative fees, storage fees, or tarping fees.

(3) Wrecker operators that tow, remove, store, or otherwise deal with a wrecked, disabled, or abandoned vehicle at the division’s request, or at the request of a trooper acting on behalf of the division, in or from a county or municipality which has not established maximum rates for towing and storage of vehicles pursuant to Sections 125.0103 or 166.043, Florida Statutes, respectively, may not charge a fee for towing, removal, storage, or dealing with such wrecked, disabled, or abandoned vehicles which exceeds the maximum rates for towing, removing, storage, or dealing with wrecked, disabled, or abandoned vehicles contained in the applicable county ordinance.

(4) The division will publish on the Department of Highway Safety and Motor Vehicles’ website a list of the counties which have not established maximum rates for towing and storage of vehicles pursuant to Section 125.0103, Florida Statutes, and of the counties which have adopted such an ordinance but that ordinance adopts the maximum towing rates established by the division, together with the name of the county whose applicable county ordinance has been used by the division to establish maximum towing and storage rates and a link to that ordinance. Such information must be updated whenever a county that previously had not established maximum rates for towing and storage of vehicles pursuant to Section 125.0103, Florida Statutes,

does so and each October 1.

~~(2) Procedure for setting Rates. The Troop Commander shall establish maximum towing and storage rates for each zone within the troop which is not otherwise covered by rates set by a county or municipality according to subsection (1) above. In determining such rates the troop commander shall consider:~~

~~(a) costs incurred by the wrecker operator in the storage of vehicles, including the rental or purchase of property, insurance premiums, and maintenance of storage facilities;~~

~~(b) costs incurred by the wrecker operator in the removal of vehicles including maintenance and operation of wrecker units;~~

~~(c) prior or existing contracts between wrecker services and governmental agencies for the removal and storage of vehicles;~~

~~(d) towing and storage charges currently imposed by wrecker services for rotation and owner's requests calls.~~

~~(3) Rates set by the Division shall consist of the following rate schedule. Separate rates may be established for each tow truck classification (A, B, C, roll back).~~

~~(a) "Base Rate" — The basic charge for responding to a call within a 10 mile radius from the wrecker operator's place of business. It includes attaching to the disabled vehicle and towing it to the place of storage. It also includes no more than a 30 minute wait at the accident scene before commencing actual retrieval. Any waiting time at the scene beyond 30 minutes may be charged at the hourly rate as defined below. Mileage traveled, in going to the scene or in returning to the place of storage, which is beyond the 10 mile radius from the operator's place of business may be billed at the applicable mileage rate.~~

~~(b) "Hourly Rate" — The per hour charge for use of a wrecker in retrieving submerged vehicles, upright overturned vehicles, retrieval from ditches or the attachment of dollies. It does not include travel time or the first 30 minutes of working or waiting time on the scene. There shall be no separate charge for winching.~~

~~(c) “Mileage”—The rate charged per mile for travel or towing outside of the 10-mile radius from the wrecker operator’s place of business.~~

~~(d) “Daily Outside Storage Rate”—The daily rate for storing a vehicle in outside storage based on a 24-hour day, each day starting at 12:01 a.m. The initial six hours of storage shall be without charge pursuant to Section 713.78(2)(c), F.S. Thereafter, the daily rate will apply and any fraction of a day will count as a full day.~~

~~(e) “Daily Inside Storage Rate”—The separate rate charged for inside storage according to the same criteria as that set forth above for outside storage.~~

~~(4) A maximum of \$30.00 may be charged to the owner/driver of a vehicle towed or stored for the preparation, filing or mailing of any forms required by Florida Statutes, local ordinance or the Division, if a vehicle is in storage for more than 24 hours. This paragraph does not apply to any action initiated by a wrecker operator to foreclose a lien recognized by Florida law.~~

~~(5) Any authorized wrecker operator that ~~qualified under these rules who~~ charges a fee for a particular service or services in excess of the rates established by this rule shall ~~will~~ be subject to sanctions ~~as set forth in Rule 15B-9.007(6), F.A.C.15B-9.008, F.A.C.~~ A wrecker operator shall not charge the base towing rate fee for a call resulting in service only to a disabled motorist which does not involve towing the vehicle from the scene.~~

(6)(a) Written complaints that rates collected, imposed, or sought for towing and storage of a wrecked, disabled, or abandoned vehicle removed at the division’s request exceed the rates established pursuant to this rule may be filed by the registered owner of the vehicle, lienholders, insurance company representatives, or their agents, whose interest in the vehicle is evidenced by any of the documents listed in Section 713.78(17), Florida Statutes.

(b) A written complaint must:

1. Identify the name of wrecker operator;

2. Provide the tag number, vehicle identification number (VIN), year of manufacture, make, model, color, and name of registered owner of the wrecked, abandoned, or disabled vehicle which was towed or stored or was to be towed or stored by the wrecker operator;

3. Specify the date and location, from which the wrecked, disabled or abandoned vehicle was towed or was to be towed, by the wrecker operator;

4. Specify the location to which the wrecked, disabled, or abandoned vehicle was towed and the dates the wrecked, disabled, or abandoned vehicle was stored, by the wrecker operator;

5. Provide the location at which the wrecker operator, or a person on behalf of the wrecker operator, collected, imposed, or attempted to collect rates for towing and storage which exceed the rates established by this rule;

6. Indicate the amount collected, imposed, attempted to be collected by or on behalf of the wrecker operator for towing and storage of the wrecked, disabled, or abandoned vehicle by the wrecker operator;

7. Provide the date and, if known, the name of the driver, wrecker staff person, or person who, or on behalf of the wrecker operator, collected, imposed, attempted to collect rates for towing and storage which exceed the rates established pursuant to this rule;

8. Indicate the total amount which the complainant maintains is the amount that the wrecker operator may charge or collect for the towing and storage of the wrecked, abandoned, or disabled vehicle pursuant to this rule;

9. Indicate either the name of county or municipality that adopted the maximum towing and storage rates pursuant to Section 125.0103, Florida Statutes, or the applicable county ordinance, applicable to the towing and storage of the wrecked, disabled, or abandoned vehicle; and

10. Be signed by the complainant and include the date the complaint is filed.

(c) Such complaints shall be filed with the troop commander, or her or his designee, of the troop whose boundaries include the zone from which the vehicle was towed.

(d) Complaints must be filed not later than sixty (60) days after the collection of, imposition of, or attempted collection of rates for towing and storage by or on behalf of the wrecker operator in excess of the rates established pursuant to this rule.

(e) When such a complaint is filed, the troop commander, or his or her designee, shall investigate the complaint and prepare a written report to the division on each allegation contained in the complaint together with a recommendation of any action to be taken by the division against the wrecker operator in connection with each allegation. The report shall include information about any violations and actions previously taken by the division against the wrecker operator pursuant to Rule 15B-9.007(6)(e), F.A.C.

(f) If the investigative report determines that the wrecker operator has charged, imposed or attempted to collect rates for towing and storage in excess of those established pursuant to this rule, the division will pursue administrative action, in accordance with Chapter 120, Florida Statutes, against the wrecker operator to impose the sanctions provided in Rule 15B-7.006(6), F.A.C.

Rulemaking Authority 321.02, 321.051 FS. Law Implemented 321.051, 321.05(1), (2) FS. History—New 10-15-92, Amended _____.

15B-9.011 Storage Facilities.

(1) Each authorized wrecker operator ~~Wrecker operators~~ shall provide storage facilities which shall be maintained at the authorized wrecker operator's physical place of business ~~and located within their assigned zone~~. These facilities must be fenced and locked for the protection of vehicles and property stored by the authorized wrecker operator. No trespassing signs shall be posted along the outside perimeter of the fence.

(2) The authorized wrecker operator shall provide storage for all impounded or /towed wrecked, disabled, or abandoned vehicles in the outside storage area unless specific written instructions are given for inside storage by the trooper who directed that the vehicle be impounded ~~impounding trooper~~ or the vehicle's owner or operator. If required for investigative purposes by the investigating trooper or the division, the authorized wrecker operator shall move the vehicle(s) to a designated area for processing prior to storage. In such instance, the division ~~Division~~ will not authorize release of the impounded vehicle until ~~all outstanding charges by the vehicle's owner or operator~~ have paid all lawful charges due to the authorized wrecker operator, as authorized by the Division, have been satisfied.

(3) An authorized ~~The~~ wrecker operator shall not change the type of storage facility (inside or outside) afforded a wrecked, disabled, or abandoned vehicle without written permission from the troop commander ~~Troop Commander~~, or his or her designee. An authorized ~~The~~ wrecker operator shall not change the storage facility location for a wrecker, disabled, or abandoned vehicle without first obtaining written permission from the troop commander ~~Troop Commander~~, or her or his designee.

(4) ~~If impractical because of zoning or other considerations such as lack of space, storage facilities may be maintained within the same zone at a place other than a wrecker operator's place of business so long as the following requirements are met as to such storage facility:~~

(a) ~~The storage facility is located in the same zone within 5 miles of the wrecker operator's place of business.~~

~~(b) The storage facility must be owned or leased solely by the wrecker operator and vehicles stored by the operator must be separately fenced and locked.~~

~~(5) Except when a vehicle is subject to a hold, theThe registered owner of a vehicle, lienholders, insurance company representatives, or their agents, whose interest in the vehicle is evidenced by any of the documents listed in Section 713.78(17), Florida Statutes or the representatives or owner's insurance adjusters, upon proper identification, shall be permitted to inspect or photograph stored vehicles during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except state holidays. The wrecker operator shall not require the owner, adjuster or representative to pay any fee in order to inspect or photograph the stored vehicle.~~

~~(5)(6) All fencing shall be chain-link or solid-wall type, at least 6 feet high, to discourage theft of any vehicle or any property being stored inside. All storage facilities shall be illuminated with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime.~~

~~(6)(7) Permanent inside storage facilities must be available for 24-hour storage when weather or other conditions require inside storage for the protection of the vehicle or personal property. A lean-to, tent or shed does not meet the requirements of this section. Inside storage must be within a weather-tight building.~~

~~(7)(8)(a) A minimum of 25 storage spaces with 3 inside storage spaces must be available. Authorized wreckerWrecker operators who have been on the wrecker operator system since April 15, 1992, divisions's rotation system for six months prior to the effective date of this rule may continue on the wrecker operator systemlist without regard to the minimum storage spaces required herein, so long as all other applicable provisions of these rules are met.~~

(b) Service bays or repair bays do not qualify as inside storage, nor does any area that is utilized for any activity other than serving as a permanent inside storage area, when vehicles are actually stored inside at the request of a law enforcement agency or the owner of a vehicle.

~~(8)(9) Wrecker operators shall comply with hold orders placed by the investigating trooper, the troop~~

commander, or his or her designee, or the division Division, including any instructions for inside or outside storage. Hold orders may be released only when authorized by the investigating trooper, the troop commander, or his or her designee, or the division.

(9)(a) Vehicles which have been involved in a fatality or a criminal offense and have been sealed by the investigating trooper traffic homicide investigator shall remain intact and sealed until the seals are removed by the investigating trooper, the troop commander, or her or his designee, or the division investigator. No vehicle and no property of any kind related to or associated with such a vehicle shall be released to anyone without written authorization from the investigating trooper, the troop commander, or his or her designee, or the division authority of the investigator.

(b) If no fatality or criminal offense occurred involving a vehicle, then the vehicle and any the property related to or associated with the vehicle may be released by the wrecker operator to the registered owner, lienholders, insurance company representatives, or their agents, whose interest in the vehicle is evidenced by any of the documents listed in Section 713.78(17), Florida Statutes, only after any hold order has been released in writing by the investigating trooper, the troop commander, or her or his designee, or the division upon valid proof of ownership once the hold is released.

(10)(a) A copy of a vehicle an inventory prepared by the investigating trooper, the troop commander, or her or his designee, or the division Division, of all personal property found in a wrecked, disabled or abandoned vehicle shall be provided to the wrecker operator.

(b) Except when a vehicle is subject to a hold order and except as provided in paragraph (9)(a), the The wrecker operator shall permit the removal of such personal property by the registered vehicle owner, lienholders, insurance company representatives, or their agents, whose interest in the vehicle is evidenced by any of the documents listed in Section 713.78(17), Florida Statutes, or his agent from a stored vehicle during normal business hours without charge or fee. The agent's authority shall be evidenced by a writing

~~acknowledged by the owner before a notary public or other person empowered by law to administer oaths. The wrecker operator shall obtain a receipt signed by the registered vehicle owner, lienholders, insurance company representatives, or their agents, whose interest in the vehicle is evidenced by any of the documents listed in Section 713.78(17), Florida Statutes, listing and describing A signed receipt for each article of personal property removed by the registered vehicle owner or his or her agent concurrent with the release of such personal property shall be obtained. As used in this rule, “personal Personal property” shall be defined as any item not affixed to the vehicle which was in the vehicle at the time of the vehicle’s removal by the wrecker operator tow. In the case of vehicles stored where no “hold order” has been placed, the wrecker operator will directly release any vehicle upon presentation of proper proof of identification and ownership. If these conditions cannot be met due to unusual or extraordinary circumstances, the vehicle will be released only upon authorization obtained from the Division.~~

(11) Wrecker operators ~~handling the initial tow~~ shall exercise reasonable care and control of vehicles removed by them, vehicle parts, and personal property contents located in such vehicles while in their custody, under their protection, or while in storage by them.

(12) During the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on state holidays, authorized wrecker operators must have personnel at the authorized wrecker operator’s physical place of business in the zone will provide adequate staffing at the storage facility so that personal property may be removed from the vehicle or the vehicle itself may be released in accordance with this rule without undue delay.

(13) Should it become necessary that personal property be removed from a vehicle or a vehicle be released when the storage facility is not staffed, the wrecker operator will be required to do so ~~and allowed to charge a reasonable fee.~~

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 10-15-92,

Amended _____.