

**Hillsborough County  
Public Transportation Commission**

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**Rules Effective Date: April 1, 2010**

**RULES**

**Wreckers**

**Wrecker Rules of the  
Hillsborough County Public Transportation Commission**

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## Section 1 Definitions

For the purpose of these rules, the following definitions shall apply.

- 1.1 **“Carrier” or “Car-Carrier”** means a type of wrecker that carries a vehicle on a flat bed mounted to the vehicle chassis. Generally, the bed tilts to allow a vehicle to be pulled, via winch and cable, up the bed to which it is secured during movement.
- 1.2 **“Correction Card”** means a vehicle inspection form issued by an Inspector for the purpose of identifying corrections that are required to be made and by what date.
- 1.3 **“Driver”** means a person holding a Public Vehicle Driver's License which authorizes him or her to operate a permitted vehicle.
- 1.4 **“Rates”, “Fares” and “Charges”** means the rates, fares or charges as established or approved by the Commission to be paid by passengers for the transportation services provided by a Certificate, permit, and license holder. For wreckers, it means the maximum allowable charges as established by the Commission to be paid for the wrecker transportation and tow services provided.
- 1.5 **“Recovery vehicle”** means a wrecker that is configured with a boom and winches to provide the leverage required to recover vehicles from abnormal locations or positions. These vehicles will normally be configured to tow vehicles with the boom and sling, tow bars or wheel lifting devices.
- 1.6 **“Storage”** means the securing of a towed vehicle on the approved storage site of a business holding a certificate issued by the Commission and where an authorized rate of storage is established by the Commission.
- 1.7 **“Special Act”** when used in the context of these Rules, means Chapter 2001-299, Laws of Florida.
- 1.8 **“Vehicle(s)”** means any device in, upon or by which any person or property is or may be transported or drawn upon a highway or other place.
- 1.9 **“Wrecker Business”** means any privately owned business involved in the recovery, towing or removal of abandoned, disabled, stolen or wrecked vehicles. The business shall be contracted for use by, through or for any unit of local, county or state government, and not authorized to transport passengers for hire and approved by the Commission.

## Section 2 Certificates

- 2.1 Any accepted application for a Certificate which is denied by the Commission shall not be resubmitted for review and consideration until a minimum of 12 months has elapsed, measured from the date the application was denied. However, the applicant may seek one reconsideration of the denial.
- 2.2 An initial application for a Certificate must specify a requested number of vehicle permits as justified by the applicant's demonstrated public convenience and necessity. This number of permits may be adjusted downward prior to or during the public hearing by the applicant.
- 2.3 Each Certificate shall expire, unless expressly extended by the Commission or Director for good cause, on September 30 of each year, and shall be renewed, in the absence of any basis for suspension or revocation as outlined in Section 12 of these Rules, upon the timely receipt by the Commission of:
  - 2.3.1 Written certification by the Certificate Holder of any material changes which may have occurred with respect to the information provided in connection with the application(s) on file.
  - 2.3.2 Any and all information required for application by the Commission at the time of renewal which was not required at the time of the initial application;
  - 2.3.3 Payment of the prescribed renewal fee (see Appendix 1).
- 2.4 Any change in the ownership or control of a Certificate requires the approval of the Commission. Procedurally, an application for ownership change must be submitted by the proposed new owner. The application will be reviewed by the Director and a subsequent staff recommendation will be submitted to the Commission for approval at a public meeting. Failure to acquire approval or subsequent disapproval of the ownership change may result in immediate revocation of the Certificate.
  - 2.4.1 With the express written consent of the Certificate Holder, however, a prospective transferee may, upon filing of an ownership change application with the Commission staff, enjoy the beneficial use of the Certificate and the permits associated therewith until the Commission renders a final decision on the application, or for a period not to exceed one hundred and twenty days from the date the transfer application is filed, whichever is less.
  - 2.4.2 The privilege of the beneficial use of a Certificate extended to a prospective new owner pending final approval by the Commission of an application is expressly subject to and conditioned upon the consent of the new owner to abide by all obligations of the previous owner with respect to the Commission, any restrictions, limitations or conditions imposed on the Certificate by the Commission, and any violation thereof by the prospective new owner shall be grounds for immediate revocation of the privilege.

- 2.4.3 Each Certificate Holder shall maintain a central place of business for each location certified. The business shall have a listed telephone for receiving all calls for service. The central place of business shall keep such records as required. It shall be the responsibility of every Certificate Holder to keep on file with the Commission a telephone number, where they may be reached at all times. Certificate Holders shall furnish the Commission with no more than two (2) phone numbers where they may be contacted for service. Any request to change the business phone numbers shall be made in writing to the Commission. It shall be the responsibility of the Commission to forward this information to affected agencies.
- 2.5 A separate certificate shall be required for each place of business.
- 2.6 Certificate Holders must comply at all times with applicable Florida Statutes and the Florida Administrative Code, when applicable, and are subject to immediate suspension for any violation thereof.

### **Section 3** **Permits**

- 3.1 Each Certificate Holder will be granted authorization for a specific number of wrecker permits. All wreckers must be inspected by the Commission staff to validate compliance with the respective vehicle standards and insurance requirements prescribed in these rules before the wrecker may be operated under a certificate.
- 3.2 As a minimum, each Certificate Holder must have at least the capability to perform light-duty recovery and light-duty car-carrier service. A heavier duty vehicle may perform the light-duty service, but will only be able to charge the rate associated with the vehicle transported.
- 3.3 It shall be unlawful to operate any vehicle without a valid permit or if the permit is suspended. Each permit shall expire, unless expressly extended by the Commission or Director for good cause, on September 30 of each year, and may be renewed upon the timely receipt by the Commission of:
  - 3.3.1 successful vehicle inspection;
  - 3.3.2 appropriate insurance certification;
  - 3.3.3 payment of the prescribed fees for certificate and permit(s) renewals (see Appendix 1).
- 3.4 In the event any motor vehicle for which a permit has been issued becomes unsafe to operate or its body or seating facilities become so damaged, deteriorated or unclean as to render it unfit for public use, the Commission shall authorize the Director to suspend, without hearing, the permit until the condition is remedied. Further, the same summary suspension may take place in the case any wrecker fails to meet standards set forth in Florida Statutes.
- 3.5 Each permit shall be separately numbered.
- 3.6 If a permitted vehicle is transferred from one Certificate Holder to another, the vehicle permit may be transferred to the new Certificate Holder upon payment of the prescribed fee (see appendix 1). A Certificate Holder may transfer a permit between vehicles upon approval of the Commission and payment of the prescribed fee (see appendix 1). The Director may approve such intra-Certificate permit transfers where the permitted vehicle has been wrecked, disabled, or otherwise rendered unusable.
- 3.7 A vehicle must be physically presented before a permit will be issued.
- 3.8 After a permit has been issued, no vehicle shall be reconstructed, altered or modified without approval of the Commission.

- 3.9 A plate will be issued for each vehicle that has been approved and/or a decal on the rear window. The plate or decal shall at all times, be displayed according to these Rules. A validation decal sticker shall also be issued and shall be affixed to the lower left Section on the front windshield of the permitted wrecker.
- 3.10 A wrecker Certificate Holder may apply for additional vehicle permits by submitting the appropriate permit fees, completing the vehicle inspection, producing the appropriate registration documentation and updating the insurance certificate to reflect the addition of the vehicle.



- 4.8 In addition, certified, true and exact copies of all Insurance Policies required shall be provided to the Commission staff, on a timely basis, if requested. The acceptance of delivery to the Commission staff of any Certificate of Insurance or copy of an insurance policy evidencing the insurance coverages and limits required does not constitute approval or agreement by the Commission that these insurance requirements have been met or that the insurance policies shown in the Certificate of Insurance are in compliance with these Rules.
- 4.9 No work by the Certificate Holder wrecker operator shall commence unless and until the required Certificates of Insurance have been received by the Commission and the Certificate issued.
- 4.10 Renewal Certificates of Insurance on the Commission's form must be furnished to the Commission so that there shall be no interruption in the wrecker and storage services due to lack of proof of insurance coverages required of the Certificate Holder.
- 4.11 The insurance coverage and limits required under these Rules are designed to set the minimum requirements of the Commission. They are not designed as a recommended insurance program for the Certificate Holder. The Certificate Holder alone shall be responsible for the sufficiency of its own insurance program.
- 4.12 Should at any time the Certificate Holder not maintain the insurance coverages required of it in these Rules, the Commission shall either cancel or suspend the certificate.
- 4.13 All of the insurance coverages must be issued as required by law and policies must be endorsed, where necessary, to comply with the minimum requirements contained herein.
- 4.14 Nothing contained in these requirements shall limit or reduce the Certificate Holder responsibility for bodily injury or property damage liability for its operations under its certificate from the Hillsborough County Public Transportation Commission.
- 4.15 The following insurance coverages must be provided under the standard insurance service office policy, forms, and endorsements, acceptable to the Commission (or broader, as determined by the Commission.)
- 4.15.1 Garage Liability Insurance shall be maintained by the Certificate Holder wrecker operator insuring its legal liability for its operation as a wrecker and vehicle storage operator, including contractual liability insurance for this agreement and personal injury liability coverage, covering the Certificate Holder's operations and including all its locations coming under the Commission's jurisdiction and certification. The limit of coverage shall not be less than:
- |   |           |  |
|---|-----------|--|
| Bodily Injury, Personal<br>Injury, & Property<br>Damage Liability | \$300,000 | Combined Single Limit<br>Each Occurrence and<br>Aggregate. |
|---|-----------|--|

(The aggregate limit shall apply separately for each location to be used by the Certificate Holder )

4.15.2 Garage Keeper's legal liability/ on-hook insurance shall be maintained by the Certificate Holder insuring its legal liability for physical loss of or damage to vehicles of others towed or stored under the Certificate resulting from comprehensive and collision coverage perils, including but not limited to: "fire, lightning, explosion, theft, mischief or vandalism," and collision coverage. Coverage shall include the Commission as an additional insured as to its responsibility in issuing the Certificate. The deductible for these coverages shall not exceed \$1000 per vehicle. The limits of coverage shall not be less than:

Property Damage Liability	\$50,000	Each occurrence Each location Including towing
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(If separate on-hook liability insurance is obtained, the minimum coverage will also be \$50,000 as with Property Damage Liability.)

4.15.3 Business Automobile Liability Insurance shall be maintained by the Certificate Holder wrecker operator as to the ownership, maintenance, loading and unloading and use of all its owned, non-owned, or hired vehicles permitted to operate under the Certificate Holder's Certificate. The limit of coverage shall not be less than:

Bodily Injury & Property	\$300,000	Combined single limit damage liability Each accident
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or

Bodily Injury Liability	\$100,000	Limit each person each accident
	\$300,000	Limit each accident

and

Property Damage Liability	\$ 50,000	Limit each accident
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4.15.4 Worker's Compensation and Employers' Liability Insurance shall be maintained in accordance with the laws of the State of Florida. Certificate Holders will provide a Certificate of Insurance describing the Worker's Compensation coverage or a written document explaining Worker's Compensation coverage is not required to the Office of the Public Transportation Commission.

4.16 Failure to comply with the provisions of this section may result in the suspension of the Certificate Holder's certificate pending full compliance and the payment of a reinstatement fee by the Certificate Holder. The amount of the fee is listed in Appendix 1 of these Rules.

**Section 5**  
**Public Vehicle Driver's License**

- 5.1 Qualifications of drivers: It shall be unlawful for any person to drive or cause or allow a person to drive a vehicle operating with certificate within Hillsborough County unless he has obtained a public vehicle drivers license which is current or the public vehicle driver's license has become expired. The person shall also have a motor vehicle operator's permit as required by the State of Florida. Applicant must present and original Social Security card, U.S. passport, valid residence card or authorization to work in the United States. A suspension, expiration or revocation of a motor vehicle operator's permit or residence card or authorization to work in the United States shall result in an immediate suspension of the driver's PVDL until such time as the suspension is removed or authorization is reissued.
- 5.2 Application for the license must be fully completed by the applicant and signed by the Certificate Holder for which that driver will drive and the applicant must present the application in person to the Commission office for processing.
- 5.3 Application, obtained from the Certificate Holder, shall provide general information under oath (notarized), on forms supplied by the Commission.
- 5.4 The applicant shall have a photograph and fingerprints taken at the Hillsborough County Sheriff's Office (HCSO) located at Falkenburg Road. These documents will be provided to the PTC by the HCSO and maintained in the driver's file.
- 5.5 As a result of the health information provided by the applicant in the PVDL application, the applicant may be required to submit an additional health certificate completed and signed by a physician licensed in accordance Florida Statutes.
- 5.6 The submission of a PVDL application authorizes any physician, person, or agency having knowledge of any mental or physical impairment which may affect the applicant or driver's ability to drive to report such knowledge to the Commission.
- 5.7 Upon receiving any report concerning a driver's alleged physical or mental impairment of the ability to safely operate a vehicle for hire, the Commission shall require an investigation into the charges and may require written certification by a physician before making a final determination as to the driver's fitness to hold a license. Such certification shall be at the driver's expense.
- 5.8 Each applicant shall submit the prescribed non-refundable license fee (See Appendix 1) along with the application.
- 5.9 The Commission shall issue a public vehicle driver's license when it is shown that the applicant is duly qualified, of good moral character, of sound health and otherwise meets the requirements of the law. The Commission may consider the following factors in determining whether an applicant is duly qualified:

- 5.9.1 Whether the applicant demonstrates the ability to communicate with the public by being able to speak, read and write the English language; and
- 5.9.2 Whether applicant demonstrates that the applicant is knowledgeable of these Rules and of the geography of Hillsborough County.
- 5.10 No person shall be issued a license who is addicted to the use of narcotics or intoxicating liquors.
- 5.11 No person shall be issued a license who is on probation or parole for a felony or misdemeanor, who is covered by diplomatic immunity, who has less than 6 months' driving experience or who is less than the age of majority.
- 5.12 The Commission may deny a license to a person who has been convicted of a felony, a sex offense including conviction as a sexual offender or has been found to be a sexual predator as provided in Florida Statutes, soliciting for or engaging in prostitution, an alcohol or narcotics offense, drunkenness, violation of the gambling laws, a crime involving moral turpitude, repeated violations of the motor vehicle laws, or violation of any law directly related to the business of operating a wrecker.
- 5.13 The Commission may, in order to protect the public, deny a license to operate a vehicle for hire to an applicant whose Florida drivers' license has been suspended or revoked within the past eight (8) years for: driving while under the influence of alcoholic beverages or narcotic drugs, reckless driving, or exceeding the point limit set by the Drivers License Division of the Florida Department of Highway Safety and Motor Vehicles.
- 5.14 Any application for a license which is denied by the Commission shall not be resubmitted for review and consideration until a minimum of 12 months have elapsed, measured from the date the application was denied. However, the applicant may seek one reconsideration of the denial.
- 5.15 Each driver is to be given a copy of the Rules of the Commission and must sign a receipt for them before a license is issued.
- 5.16 Licenses may be renewed for a one-year period during licensee's birth month provided that:
  - 5.16.1 The Commission's investigation of the driver's traffic (DUI's or license suspensions) and criminal record reveals no violations during the period of his expiring license. If the investigation reveals such violations, the license shall be renewed for a period not to exceed sixty (60) days. The Director shall, after review of the driver's traffic and criminal record, recommend either renewal, suspension or revocation as the safety of the public may dictate.

- 5.16.2 The driver timely submits to the Commission written certification of any material changes which may have occurred with respect to the information provided in connection with the initial license application.
- 5.16.3 The driver timely submits to the Commission any and all information required by the Commission for license applications at the time of renewal which was not required at the time of initial license application;
- 5.16.4 The payment of prescribed fee for license renewal (See Appendix 1).
- 5.17 If a PVDL becomes expired and is not renewed within twelve (12) months of the expiration date, the license shall not be renewed. Instead, a new application must be submitted for the Commission approval (refer to Rule 5.2 through 5.14).
- 5.18 Upon leaving the employment of or discontinuation of an agreement to drive for a Certificate Holder or when a driver is placed on suspension by the Commission, the Public Vehicle Driver License is to be returned to the Commission Office where it will be retained on file until the driver gains employment with another Certificate Holder, completes the suspension period, or the PVDL expires.
- 5.19 It is important that any question regarding criminal history be answered completely and truthfully when completing the PVDL application or other required documents. Failure to do so shall be considered negligent or an intentional effort to conceal information and shall result in the denial of the PVDL.
- 5.20 An applicant determined eligible for a PVDL and subsequently arrested, charged, committed, and/or found guilty of any disqualifying offense (as listed above) shall immediately (5 calendar days) notify the Commission.
- 5.21 Persons believing that the Commission relied upon inaccurate information in making its decision shall contact the Commission within thirty (30) calendar days of receipt of the denial notification. The Commission may decline to consider information received beyond thirty days.
- 5.22 After an applicant has been denied a license, he or she may appeal that decision to the Commission at a public meeting by completing an appeal form provided by the Commission and by paying the fees associated with this appeal (see Appendix 1 Fees). Once a driver has been denied his or her appeal before the Commission, he or she may not reapply for a PVDL within twelve (12) months from the date the appeal was denied.

**Section 6**  
**Wrecker Drivers' Duties**

- 6.1 All wrecker drivers shall be familiar and comply with the Florida Regulatory Traffic Laws.
- 6.2 Each wrecker driver licensed pursuant to these rules shall possess and display the PVDL in a manner that allows visibility of the license, at all times while driving his vehicle or while on duty as a vehicle driver and shall not operate a vehicle if the license has been revoked or suspended. The license will be clipped, badge-style, to the driver's shirt or outer garment or may be hung around the neck on a chain or string. The drivers of wreckers will wear the PVDL license while on duty as a wrecker operator. The driver will allow a customer to review the PVDL upon request.
- 6.3 A driver shall not operate a vehicle if the vehicle permit or Certificate Holder's Certificate has been revoked or suspended.
- 6.4 The wrecker driver shall be thoroughly familiar with the operation of the wrecker and may be required to provide proof of a training certification as a wrecker operator. The criteria may be established by the Director.
- 6.5 Wrecker operators shall sweep glass from the roadway and remove all debris or hazards from the motor vehicle crash scene, as required by Florida Statutes.
- 6.6 Wrecker operators shall abide by all applicable city, county, state and federal laws, Rules regarding removal, towing, recovery and storage of vehicles or property.
- 6.7 Wrecker operators shall impound vehicles as requested by the law enforcement officer on the scene.
- 6.8 When a vehicle is released at the scene by the investigating law enforcement officer, the wrecker operator shall tow it to any location the owner/operator of the vehicle requests. When the disabled vehicle is transported to the specific location requested by the owner, a person of lawful age or the owner/operator should be available and competent to pay the wrecker fee. In the event no person is present at the designated location, the wrecker operator should take the vehicle to the wrecker storage lot. The wrecker operator may charge the lawful amount permitted for the trip from the designated drop location to the operator's storage lot.
- 6.9 All activities required to perform the towing service, such as use of dollies, dropping and hooking up linkage, normal site clean-up, etc., will not be considered as "extra service" and no extra labor charges for these activities will be assessed.
- 6.10 The licensed wrecker company owner or operator is responsible for any damage to a vehicle caused by a wrecker operator.

- 6.11 It shall be unlawful for a wrecker owner or operator, their agents, servants or employees to coerce or pressure the owner/operator of a disabled vehicle into signing a work order or any agreement for repairs.
- 6.12 Flashing amber lights shall only be used as described in Florida Statutes.
- 6.13 Wrecker drivers shall keep their vehicle clean and orderly at all times.
- 6.14 Every wrecker driver having charge of a permitted vehicle shall be hygienically clean, well groomed and neat and clean in appearance and suitably dressed. Male drivers shall be clean shaven, and hair shall be neatly trimmed and groomed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance. The term suitably dressed shall be interpreted to mean:
  - 6.14.1 The driver, if male shall wear clean trousers or knee length hemmed shorts, shoes and socks and a shirt with a collar. Appropriate clean outer garments may be worn, if desired, over the collared shirt.
  - 6.14.2 The driver, if female shall wear clean trousers or knee length hemmed shorts, slacks, shoes and an appropriate shirt with a collar. Appropriate clean outer garments may be worn, if desired, over the collared shirt or blouse.
  - 6.14.3 The following articles of clothing are not permitted to be worn as an outer garment when the driver, either male or female, is operating a permitted vehicle: t-shirts, underwear, tank tops, body shirts, swimwear, jogging suits, or similar types of attire. Also prohibited are swimming or athletic shorts, sandals, or any type of open-toed footwear.
- 6.15 No driver shall collect fares or compensation for transportation services other than at the approved rate for that Certificate Holder.
- 6.16 No wrecker shall be driven or operated unless the driver has satisfied himself that the vehicle is in good working order and that the vehicle and equipment meets the standards set forth in these Rules.
- 6.17 A driver shall not use abusive language, nor be discourteous to any person utilizing a wrecker service.
- 6.18 Drivers shall immediately notify the Commission of each change of company or address.
- 6.19 No wrecker driver licensed by the Commission shall allow any vehicle in their possession to be operated by any person not duly licensed by the Commission and without specific authority from the Certificate Holder.

**Section 7**  
**Procedure for Wrecker Operation**

- 7.1 Each Certificate Holder shall keep accurate records of receipts from operations, other expenses, capital expenditures, and other operating information as may be required by the Commission. The Commission and its staff shall be allowed access to these records during normal business hours for the purpose of inspection or copying same.
- 7.2 Each Certificate Holder shall maintain a central place of business, at which place they shall provide a properly listed telephone number for receiving all calls for service, and at which central place of business they shall keep such business records and required wrecker service documentation. It shall also be the responsibility of every Certificate Holder to keep on file with the Commission a telephone number, where they may be reached at all times.
- 7.3 The Commission shall annually inspect all vehicles subject to the provisions of these rules and may inspect any vehicle at any time. The inspection shall make certain that the vehicle is in good working order for the safety of the general public and their equipment. The results of each inspection shall be recorded. Any vehicle failing to pass the inspection shall automatically have its permit suspended until such time as the vehicle satisfactorily passes inspection.
- 7.4 If a vehicle is found to be or is suspected, due to observation or customer complaint, to be in an unsatisfactory condition, the Commission will notify the Certificate Holder to immediately suspend the vehicle with guidance to have it report to Commission for inspection or to the Certificate Holder's location for repair.
- 7.5 Wrecker operators may not sub-contract with individual operators holding licensure as prescribed herein for the operation of its wreckers.
- 7.6 All Certificate Holders shall abide by all applicable city, county, state and federal laws, Rules regarding the removal, towing, recovery and storage of vehicles or property.
- 7.7 Hold orders placed by law enforcement agencies shall be honored and the vehicle and/or property shall not be released without authorization from said law enforcement agency. Release forms shall be filed for future reference for a period of one year.
- 7.8 Any wrecker Certificate Holder or driver/operator or their agents, servants, or employees called to the scene of a motor vehicle accident by or at the request of the owner or operator of the disabled vehicle, may solicit repair work from the owner or operator of any motor vehicle involved in said accident; further, any wrecker operator called to the scene of any accident by a police agency may solicit repair work from the owners or operators of vehicles involved in the accident, so long as said solicitation does not impede the flow of traffic or cause a danger to life or property. The investigating police officer or officers at the scene of the accident shall determine the existence of an impediment to the flow of traffic or the existence of a danger to life or property.

- 7.9 The wrecker operator shall respond to all requests for service made through a governmental agency within thirty (30) minutes. If response cannot be made within the thirty (30) minute time period, under existing conditions and circumstances, the wrecker operator shall notify the agency of the estimated time of delay and the reasons therefore, and the communications officer may cancel the request for service and use another participating wrecker operator if the delay is determined unreasonable.
- 7.10 Certificate Holders desiring to be temporarily removed from service shall contact the communications supervisor at each affected agency and advise them of same. This shall not affect the operator's position on the call list. When back in service, the operator shall advise the communications supervisor(s) who will place the company back into active status. This temporary removal from service shall not exceed thirty (30) days.
- 7.11 Personal property left in any vehicle shall be released to the registered owner during normal office hours. This shall include the license plate. There will be no obligation to the owner other than signing a receipt for the personal property. Failure to sign the receipt will be the only grounds for refusal to release such property. This does not include any parts of the vehicle such as tires, radio, batteries, or similarly installed equipment.
- 7.12 The Certificate Holders shall, within the time frames required and permitted by Florida Statutes send, by certified mail, notice of said impoundment to the owner and lien holder of an impounded motor vehicle. The owner's address may be obtained from the Department of Motor Vehicles. The notice shall state the fact of the seizure of the vehicle, the place the vehicle is stored and the accruing storage charges of the vehicle. The certified mail receipt shall be kept by the wrecker company for a period of two (2) years following the release or disposition of the motor vehicle. Failure to provide notice to the owner by certified mail may forfeit the wrecker company's entitlement to any storage charges.

**Section 8**  
**Wrecker Standards**

- 8.1 Wreckers will be classified into three categories: light-duty, medium-duty and heavy duty. Each Certificate Holder must have, as a minimum, a light car-carrier and a light recovery wrecker. If a Certificate Holder has medium or heavy recovery vehicles/car-carriers, the minimum requirements would be met. Certificate Holders shall not transport vehicles whose gross vehicle weight (GVW) exceeds the rated capacity of the wrecker vehicles.
- 8.1.1 Light-duty wreckers, either a recovery vehicle or a car-carrier, can generally tow or carry a four-tire vehicle up to 10,001 lbs. gross vehicle weight (GVW).
- 8.1.2 Medium-duty wreckers, either a recovery vehicle or a car-carrier, can generally tow or carry a six-tire vehicle from 10,000 lbs. to 26,000 lbs. gross vehicle weight (GVW), but may be limited due to lift factors, vehicle loads or other factors that might determine the class of wrecker required.
- 8.1.3 Heavy-duty wreckers, either a recovery vehicle or a carrier, can generally tow or carry a vehicle with six tires or more from 26,001 lbs. gross vehicle weight and over, but might be required to tow/carry a lesser weight vehicle due to lift factors, vehicle load or other factors that might determine the class of wrecker required.
- 8.2 All classifications of wreckers shall have the following:
- 8.2.1 A cradle or tow plate to pick up vehicles. The cradle or tow plate shall be equipped with safety chains and constructed in such a manner that it will not damage the vehicle towed.
- 8.2.2 Dual rear wheels.
- 8.2.3 Clearance and marker lights and all other equipment as required by Chapter 316, Florida Statutes.
- 8.2.4 A rotor beam or strobe-type light, amber in color, mounted on the vehicle in such a manner that it can be seen from the front, rear and both sides.
- 8.2.5 The name, address and telephone number of the trade name of the Certificate Holder permanently affixed in a conspicuous place on both sides of the trucks as required by Section 713.78(6), Florida Statutes. A unit number shall be painted on both sides of the cab of each vehicle. The same unit number on two vehicles under the same Certificate is prohibited. Multiple addresses and telephone numbers are prohibited.
- 8.2.5.1 The name must be in letters at least three (3) inches in height.
- 8.2.5.2 The address and telephone number must be in letters at least one (1) inch in height.

- 8.2.5.3 The unit number must be at least three (3) inches in height and in contrasting color.
- 8.2.5.4 Magnetic or removal signs or placards will not meet these requirements.
- 8.2.6 At least one heavy duty push broom with a minimum width of twenty-four inches.
- 8.2.7 One square shovel.
- 8.2.8 One ax.
- 8.2.9 One crowbar or prybar with a minimum length of thirty (30) inches.
- 8.2.10 Minimum of one (1) five pound CO<sub>2</sub> or dry chemical fire extinguisher or equivalent. Must be approved type and have a current inspection tag.
- 8.2.11 One pair of bolt cutters with a minimum opening of ½ inch.
- 8.2.12 One set of jumper cables/jump box.
- 8.2.13 One four-way lug wrench.
- 8.2.14 One flashlight.
- 8.2.15 Five thirty-minute fuses.
- 8.2.16 One snatch block for each winch with manufacturer's rating to match winch (exclusive of car-carriers).
- 8.2.17 Two (2) flood lights mounted on the hoist of each recovery vehicle or car-carrier.
- 8.2.18 A one and seven-eighth ( 1 7/8) inch trailer hitch ball and a two (2) inch trailer hitch ball along with a hitch to utilize both (exclusive of car-carriers).
- 8.2.19 Extra towing chain six to eight feet in length with hooks.
- 8.2.20 At least three (3) safety cones or triangle reflectors.
- 8.2.21 Fifty pounds of sand or equivalent.
- 8.2.22 Cell-phone or a properly licensed two-way voice capability, installed and operating with access to a central dispatch facility manned twenty-four (24) hours a day, seven (7) days a week. Scanners or any other radio or device capable of receiving frequencies assigned to public safety agencies shall be prohibited.

- 8.2.23 Two (2) portable tail lamps which can be affixed to the rear of a towed vehicle which when lighted meet the requirements of Florida Statutes regarding stop lights, turn signals and other signaling devices as required by Florida Statutes.
- 8.3 Light-duty recovery vehicles, for the removal of cars and light-duty trucks and vehicles weighing 10,000 lbs. GVW or less must meet the following specifications and equipment requirements in addition to the requirements of Rule 8.2:
- 8.3.1 A truck chassis with a manufacturer's rated capacity of at least 10,000 lbs. GVW or less. A complete, twin-winch, commercially manufactured boom 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. The recovery vehicle boom can be a double boom construction so as to permit splitting or separating each boom to operate independently or jointly; or, a single boom which has a single boom which is hydraulically operated and has twin cables which are operated individually; or, hydraulically operated with lift equipment with twin cables.
- 8.3.2 A minimum of one hundred feet of 3/8 inch cable on each drum.
- 8.3.3 Dollies and associated equipment.
- 8.4 Light-duty car-carriers used to pick up disabled vehicles and to prevent damage to disabled vehicles, including, but not limited to sport type vehicles, small trailers and boats and which may also be used to transport cargo from an accident scene must meet the following specifications and equipment requirements in addition to the requirements of Rule 8.2:
- 8.4.1 Minimum manufacturer's capacity of not less than one (1) ton and shall have a truck bed at least sixteen (16) feet long and shall be equipped with dual wheels;
- 8.4.2 A power winch, with a pulling capacity of not less than four (4) tons;
- 8.4.3 A brake locking device;
- 8.4.4 Two spot (flood) lights mounted on the rear of the carrier;
- 8.4.5 A minimum of four (4) safety tie down chains (minimum 10 feet long each), straps of at least twenty (20) feet in length and two (2) safety chains affixed to the rear of the vehicle.
- 8.4.6 A minimum of fifty (50) feet of three-eighths (3/8) inch or larger cable.
- 8.5 Medium-duty recovery vehicles used for the removal of medium weight classification of six tire vehicles such as trucks, buses and recreational vehicles with a GVW of more than 5 tons and less than 13 tons, must meet the following specifications and equipment requirements in addition to the requirements of Rule 8.2.

- 8.5.1 A truck chassis with a manufacturer's rated capacity of at least 20,000 lbs. GVW. A complete, twin-winch, commercially manufactured boom and power winches having a manufacturer's combined rating of a least ten (10) tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements.
- 8.5.2 A minimum of one hundred and seventy-five (175) feet of at least 7/16 inch cable on each drum.
- 8.6 Medium-duty car-carriers used to pick up disabled vehicles and to prevent damage to disabled vehicles of medium class GVW (10,001 lbs. to 26,000 lbs.), and which may also be used to transport cargo from an accident scene must meet the following specifications and equipment requirements in addition to the requirements of Rule 8.2:
  - 8.6.1 Minimum manufacturer's capacity of not less than (5) tons and shall have a truck bed at least nineteen (19) feet long and shall be equipped with dual wheels;
  - 8.6.2 A power winch, with a pulling capacity of not less than eight (8) tons;
  - 8.6.3 A brake locking device;
  - 8.6.4 A minimum of four (4) safety tie down chains (minimum 10 feet long each), straps of at least twenty (20) feet in length and two (2) safety chains affixed to the rear of the vehicle;
  - 8.6.5 A minimum of fifty (50) feet of three-eighths (3/8) inch or larger cable.
- 8.7 Heavy-duty recovery vehicles used for the removal of heavy-weight classification of six tire or more vehicles such as trucks and buses with a GVW of more than 13 tons, must meet the following specifications and equipment requirements in addition to those in Rule 8.2:
  - 8.7.1 A truck chassis with a manufacturer's rated capacity of at least 30,000 lbs. GVW and 50,000 lbs. GVW for tandem axle trucks. A complete, twin-winch, commercially manufactured boom and power winches having a manufacturer's combined rating of a least twenty-five (25) tons must be mounted on the chassis.
  - 8.7.2 A minimum of two hundred feet of at least 5/8 inch cable on each drum.
  - 8.7.3 Air brakes so constructed as to lock the rear wheels automatically upon failure.
  - 8.7.4 External air hookup and hoses, to supply air to disabled vehicles.
  - 8.7.5 One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.

**Section 9**  
**Rates**

- 9.1 It shall be unlawful for any wrecker business Certificate holder, wrecker permit holder or wrecker driver to charge, demand, or request any rate exceeding those established pursuant to these rules.
- 9.2 The maximum rates for towing and storage are listed in Appendix 4 of these Rules.
- 9.3 The maximum rate charged is based upon the gross vehicle weight (GVW) of vehicle towed not the type of wrecker used to perform the service. For example, if a Certificate Holder elects to use a heavy-duty recovery vehicle to tow a light/medium classification passenger car, the light/medium rates apply.
- 9.4 When additional recovery or car-carriers are required, the maximum rates in Appendix 4 will apply for the additional vehicle.
- 9.5 No storage rate, of any class, shall be charged unless a vehicle is stored in excess of twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense. Storage begins when the towed vehicle is secured at the Certificate Holder's approved storage site. After twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense, the maximum storage fee for light-duty vehicles shall not exceed twenty-five dollars (\$25.00) per calendar day for inside or outside storage. Inside storage shall be applicable when it is necessary and practical for the protection of vehicles or property or when requested by the owner. For medium-duty classification vehicles, the storage rate shall not exceed thirty-five dollars (\$35.00) per calendar day. For medium/heavy-duty classification of vehicles, the storage rate shall not exceed fifty-five dollars (\$55.00) per calendar day (tractor and trailer may be considered two vehicles).
- 9.6 A Wrecker Certificate Holder may charge for the costs associated with the preparation and service of lien notices required and permitted by Florida law to reimburse them for actual expenses incurred in obtaining the required information and for preparing, processing and serving the required notices with the following limitations:
- 9.6.1 No charge for processing of a lien notice shall be imposed until after the third day from the date of storage excluding Saturday and Sunday.
- 9.7 Provisions of these rules shall not apply to gratuities.
- 9.8 The Commission shall reserve the right to establish maximum rates for all regulated services.
- 9.9 Wrecker Certificate Holders shall be required to post their rates inside their business establishment.

9.10 Rates shall be established or changed in accordance with the following procedure:

9.10.1 The Commission may consider requests to establish a rate or to change a rate change from any Certificate Holder or member of the public.

9.10.2 The Commission may require the staff to hold public workshops to gather information from the public and the respective industry.

9.10.3 The Commission may request research from staff or other sources to gather information related to proposed rate changes.

9.10.4 The Commission shall hold a public hearing to hear public input and make a determination on proposed rate change(s).

9.11 The maximum rates provided in these Rules are to be considered as all inclusive, except when other rates are specifically authorized in appendix 4. Extra-ordinary towing and recovery events that result in excessive rates will be considered on a case-by-case basis by the Commission staff and may be adjusted by Commission directive.

**Section 10**  
**Storage Requirements**

- 10.1 The storage facility must have sufficient area to store a minimum of six (6) vehicles outdoors and must be co-located with the business office. The facility must be fenced and locked for the protection of vehicles and property. Fences will be a minimum of six (6) feet in height.
- 10.2 Each facility must have facilities to provide weather protective inside storage sufficient to protect two (2) vehicles simultaneously.
- 10.3 Signs will be posted at or near the entrances of the business and storage facilities, having the name, address and telephone number of the business. Telephone numbers of persons to be contacted during non-business hours, who have the authority to release vehicles shall be posted. Said telephone number lettering will be a minimum of three inches (3") in height.
- 10.4 Prior to a Certificate Holder changing a business location, the Certificate Holder must submit an administrative change application to the Commission for approval. Before a wrecker Certificate Holder can commence operations at the new address, the location must be inspected to ascertain that the facilities comply with the Rules of the Commission. In addition, certificates of insurance must be revised, telephone numbers must be changed to reflect the new business location. Upon approval of the change by the Commission and completion of all required inspections, the new information will be forwarded to the affected agencies.
- 10.5 Failure of the Certificate holder to comply with these requirements will result in an immediate suspension of the certificate without notice until the wrecker Certificate Holder shall come into compliance.
- 10.6 Unless specifically authorized by the Commission, wrecker Certificate Holders shall have nothing on vehicles, buildings, or correspondence that implies any official relationship between the wrecker company and any governmental agencies.
- 10.7 Unless otherwise required by the contracting agency, storage facilities meeting the requirements of this Section shall be at the same location as the Wrecker Certificate Holder's business location and no more than one Certificate Holder may use the same storage facility.
- 10.8 Vehicles may be moved to a secondary storage facility meeting the requirements of this Section after legal notification has been made to the registered owner and any lien holder of the vehicle. No additional towing charge shall be made for this movement.
- 10.9 Any vehicle recovered and stored subject to these rules shall be released within one (1) hour of an oral or written request therefore by the owner, lien holder, or other person authorized to secure the release of the vehicle, at any time the wrecker service is open for operations.

- 10.10 Required operation hours for rotation wrecker services will be between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday as a minimum. The office must have personnel on duty from 8:00 a.m. to 6:00 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; Birth 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 Day, Christmas Day; if any holiday falls on a Sunday, the following Monday shall be observed as the holiday. Wrecker Certificate Holders may open their operations on Saturdays, Sundays and holidays and later hours are permitted.
- 10.11 Vehicles requested to be released after hours or on days which operations are closed will be subject to a service charge of not more than fifty dollars (\$50.00) to open after hours or on Sundays, if closed. If a wrecker Certificate Holder is open for normal business on Sunday or any holiday, the \$50 dollar service charge shall not be assessed. Upon agreement of the parties, the time for release may be extended for up to eighteen (18) hours from the time the request is made with no additional fee charged. No additional storage or lien notice charges shall be assessed under the eighteen (18) hour extension provision once agreement of the parties has been reached. The fees due shall be those that were actually due at the time that the eighteen (18) hour extension was requested. All storage and recovery fees shall be payable prior to release of the vehicle.
- 10.12 Vehicles that are authorized to be retrieved/relocated by an agent of the owner or insurance company will be stored/positioned in such a manner that the retrieving agent can access the vehicle for the purposes of driving, towing or loading the vehicle. If the towing service will not allow the retrieving agent to enter the storage yard, the vehicle must then be repositioned by the towing service to a safe location outside the storage yard where the vehicle can be accessed, for no additional charge for the relocation. If the owner or agent of the owner/insurance company does not have the proper equipment to safely enter the storage area to remove and/or load the vehicle and the towing service must move the vehicle for them to a location so they can load the vehicle, the towing service may charge a maximum of twenty-five dollars (\$25.00) fee per vehicle relocated.

**Section 11**  
**Records**

- 11.1 All trips dispatched by a wrecker Certificate Holder shall be immediately recorded on a dispatch ticket indicating the time, date and origin of each trip dispatched.
- 11.2 All dispatch tickets shall be maintained by the wrecker Certificate Holder for at least one (1) year.
- 11.3 A systematic method of filing the dispatch tickets shall be established and maintained by the wrecker Certificate Holder. The dispatch ticket must be easily located by a public vehicle driver's license number, vehicle number, date, time of trip and permit number of the vehicle.
- 11.4 Invoices shall be itemized listing all charges and shall be kept on file for review by the Commission for at least one (1) year.
- 11.5 All dispatch documents and invoices shall be completed to the greatest degree possible. Every attempt should be made to include name, address, operator's name, PVDL number, vehicle identification number, vehicle make/model/year, license plate number, color, mileage towed, towed to location, charges, times, etc..

**Section 12**  
**Suspension, Revocation, Conditions, Probations and Citations**

- 12.1 Certificates, permits, and licenses shall be subject to suspension, revocation, probation, citation or other conditions set by the Commission as follows:
- 12.1.1 Certificates, upon notice and hearing when it shall appear that:
- 12.1.1.1 The Certificate Holder has failed to render the service authorized by the Certificate.
- 12.1.1.2 The Certificate was obtained by an application in which any fact was intentionally omitted or falsely stated.
- 12.1.1.3 The Certificate Holder thereof has intentionally permitted his vehicle to be operated in violation of any law.
- 12.1.1.4 The Certificate Holder has failed to comply with or has violated any of the provisions of these rules.
- 12.1.1.5 The Certificate Holder has operated or caused his drivers to operate beyond the operating limits specified upon approval of the Certificate by the Commission.
- 12.1.1.6 The Certificate Holder responds to accident scenes without proper request from a law enforcement agency for the purpose of attempting to “jump” the rotation list.
- 12.1.1.7 The Certificate Holder solicits at the accident scene when prohibited.
- 12.1.1.8 The Certificate Holder fails to properly operate the wrecker in the removal of disabled or towing of vehicles.
- 12.1.1.9 The Certificate Holder removes a wrecked or disabled vehicle without proper clearance from a proper investigating agency or prior to the completion of the investigation.
- 12.1.1.10 The Certificate Holder is on probation or parole.
- 12.1.1.11 The Certificate Holder is convicted or pleads guilty or nolo contendere to a felony.
- 12.1.1.12 The Certificate Holder is convicted guilty or pleads nolo contendere to a misdemeanor or violation of any law directly related to the business operation of a wrecker service. For the purpose of this Rule, any offense involving perjury or false statements shall be considered as directly related to the business operation of a wrecker service.
- 12.1.1.13 The Certificate Holder is convicted of an offense of driving under the influence of alcohol or any controlled substance or chemical substance to the extent of driving with an unlawful blood alcohol level, or any criminal traffic offense.

- 12.1.1.14 The Certificate Holder has failed to pay the civil penalties in the time prescribed in the citation that has not been contested in the manner described in these Rules.
- 12.1.2 Permits, upon notice and hearing when it shall appear that:
  - 12.1.2.1 The permit was obtained by an application in which any fact was intentionally omitted or falsely stated.
  - 12.1.2.2 The Certificate Holder has failed to comply with the provisions of these rules or any order of the Commission.
  - 12.1.2.3 The Certificate Holder has operated or caused his drivers to operate beyond the operating limits specified upon approval of the Certificate by the Commission.
  - 12.1.2.4 The Certificate Holder has failed to pay the civil penalties in the time prescribed in the citation that has not been contested in the manner described in these Rules.
- 12.1.3 Licenses, upon notice and hearing when it shall appear that:
  - 12.1.3.1 The driver has failed to comply with or has violated any of the provisions of these rules.
  - 12.1.3.2 The driver has been convicted, plead guilty, or nolo contendere to an alcohol related offense, or a crime involving moral turpitude.
  - 12.1.3.3 The license was obtained by an application in which any fact was intentionally omitted or falsely stated.
  - 12.1.3.4 Repeated violations of the motor vehicle laws.
  - 12.1.3.5 The driver, without Certificate Holder knowledge, has intentionally permitted his vehicle to be operated in violation of any law.
  - 12.1.3.6 The driver, without Certificate Holder knowledge, Certificate Holder has failed to comply with or has violated any of the provisions of these rules.
  - 12.1.3.7 The driver, without Certificate Holder knowledge, Certificate Holder has operated beyond the operating limits specified upon approval of the Certificate by the Commission.
  - 12.1.3.8 The driver, without Certificate Holder knowledge, responds to accident scenes without proper request from a law enforcement agency for the purpose of attempting to “jump” the rotation list.
  - 12.1.3.9 The driver, without Certificate Holder knowledge, solicits at the accident scene when prohibited.

- 12.1.3.10 The driver, without Certificate Holder knowledge, fails to properly operate the wrecker in the removal of disabled or towing of vehicles.
- 12.1.3.11 The driver, without Certificate Holder knowledge, removes a wrecked or disabled vehicle without proper clearance from a proper investigating agency or prior to the completion of the investigation.
- 12.1.3.12 The driver is on probation or parole.
- 12.1.3.13 The driver is convicted of an offense of driving under the influence of alcohol or any controlled substance or chemical substance to the extent of driving with an unlawful blood alcohol level, or any criminal traffic offense.
- 12.1.3.14 The Licensee has failed to pay the civil penalties in the time prescribed in the citation that has not been contested in the manner described in these Rules.
- 12.1.4 The public vehicle driver's license is revoked and shall be immediately surrendered upon conviction or a plea of nolo contendere to any offense involving: commission of a felony, a sex offense, including conviction as a sexual offender as defined in Florida Statutes, or has been found to be a sexual predator as provided in Florida Statutes, soliciting for or engaging in prostitution, narcotics or an offense for which the penalty includes revocation of state motor vehicle operator's license.
- 12.2 Suspension is a temporary withdrawal of permission to operate pursuant to this Section. The duration of the suspension will be established at the time of the suspension.
- 12.3 Revocation is a permanent withdrawal of the Certificate, Permit or License pursuant to this Section. The application process must be initiated to re-obtain a Certificate, Permit or License.
- 12.4 Notwithstanding any language in this Section to the contrary, and if not prohibited by the Special Act, the Commission Director, with approval of the Chairman of the Commission, may, in circumstances in which it has been determined that there exists an immediate risk to public safety, immediately suspend, on a temporary basis not to exceed thirty (30) days, any certificate, permit, or license. Upon such temporary suspension, the Certificate Holder or licensee shall be promptly notified of the suspension in writing, either in person or by mail to the holder's last address in the records of the Commission. Unless the suspension is otherwise lifted, the Commission may conduct a public hearing to render a final determination whether the Certificate, permit, or license shall be revoked or subject to other appropriate sanctions.
- 12.5 The issuance by the Commission of Certificates, permits, and licenses may be conditioned on any reasonable requirement that the Commission may, in its discretion, establish; and the Certificate Holder or driver may be placed on probationary status by the Commission for any violation of these Rules, or for the violation of any law or regulation.

12.6 Citations; administrative hearings; persons aggrieved.

12.6.1 Any alleged violator who has received a citation and wishes to contest the citation, may request an administrative hearing in front of a Hearing Officer by service of notice of appeal within twenty (20) days after service of a citation. The administrative hearing will be noticed and held in accordance with the procedures set forth in Appendix 3 of these Rules. The Commission, Director/Interim Director or Hearing Officer, may convene administrative hearings to abate, correct or assess civil penalties for a violation for which a citation has been served (See Appendix 6 for approved civil penalties guidelines).

**Section 13**  
**Drug-Free Workplace Policy**

- 13.1 This policy shall apply to Certificate Holders not otherwise subject to mandatory state or Federal Drug-Free Workplace provisions.
- 13.2 Every Certificate Holder shall submit annually a statement on such date of dates the Commission may specify from time to time, certifying that it has in place a Drug-Free Workplace for employees and licensees in “safety-sensitive” positions. A “safety-sensitive” position shall be defined as one in which a drug or alcohol impairment constitutes an immediate and direct threat to public health or safety, or a position in which a momentary lapse in attention could result in injury or death to another person. “Safety-sensitive” positions shall include, but are not limited to drivers, dispatchers and mechanics. Every applicant for a Certificate shall submit such a statement as a condition of each annual Certificate renewal following initial submission of the Drug-Free Workplace statement.
- 13.3 At a minimum, the Certificate Holder must adopt in writing a detailed policy setting forth specifics of such a program which includes at least the following information:
- a. A statement of the Certificate holder’s policy regarding drug and alcohol use by employees and licensees in safety-sensitive positions;
  - b. The job classification for which employees, licensees or job applicants are subject to testing;
  - c. The circumstances under which testing may be required;
  - d. The substances for which testing may be conducted;
  - e. The testing methods and collection procedures to be used;
  - f. The standards to determine what constitutes a positive drug test and what constitutes alcohol use;
  - g. The consequences of a refusal to participate in the testing;
  - h. The adverse action that may be taken based on the testing procedure or results;
  - i. The right of an individual to explain in confidence positive test results;
  - j. The right of an individual to obtain all information related to the testing of that individual;
  - k. Confidentiality requirements for the testing;
  - l. The available appeal procedures, remedies and sanctions;
  - m. The provision for an annual drug education program; and
  - n. The provisions for a Certificate holder’s employee/licensee assistance program.
- 13.4 Each Certificate Holder must post notice of the policy in a prominent employee and licensee access area and give a written copy of the policy to each affected employee, licensee and applicant. Notice must be posted and the policy distributed, any time the policy is changed.
- 13.5 At a minimum, the following substances shall be tested: marijuana, opiates, phencyclidine, cocaine, amphetamines, and alcohol. The following substances may be tested at the option of the Certificate Holder: methaqualone, barbiturates, benzodiazepine, methadone, propoxyphene.

- 13.6 Drug testing of employees and licensees shall be conducted in conformity with the standards and procedures established in Section 440.102, Florida Statutes. Specifically, and without limitation, standards for probable cause, laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration, reporting of results, and confidentiality provisions shall be in accordance with Section 440.102, Florida Statutes, and its attendant rules as established by the Agency for Health Care Administration. Only drug testing laboratories licensed by the State of Florida Agency for Health Care Administration may be utilized.
- 13.7 Testing to be conducted pursuant to this rule includes:
- a. Post accident testing - all drivers shall be tested immediately after any chargeable vehicular accident, or after a vehicular accident where probable cause exists.
  - b. Testing for cause - employees and licensees in safety-sensitive positions shall be tested if reasonable suspicion exists to believe the employee or licensee is under the influence of drugs or alcohol, which could adversely affect, or has affected, performance of duties and responsibilities.
  - c. Pre-employment or Public Vehicle Driver's License Applicant testing – every Certificate Holder shall require all job applicants for safety-sensitive positions to submit to testing prior to employment. In order to assure that every driver is tested, at a minimum, prior to receipt of the Public Vehicle Driver's License to present proof of negative testing before signing the application for a Public Vehicle Driver's License.
  - d. Testing after prior use and unannounced testing – An employee or licensee in a safety-sensitive position who has received a confirmed positive test result shall be required to satisfactorily complete the Certificate holder's assistance program. Upon returning to work, the employee or licensee may be required to submit to periodic unannounced testing at reasonable intervals for a period of two years after the positive test.
  - e. Random testing – Because there is the likelihood that employees or licensees in safety-sensitive positions may harm the public if impaired by alcohol or drug use, all such employees and licensees shall be subject to random testing on an annual basis.
- 13.8 Every Certificate Holder shall require Pre-employment and Public Vehicle Driver's License Applicant testing as provided in Section 7.c. for the substances enumerated in Section 5.
- 13.9 Any employee or licensee in a safety-sensitive position who has received a confirmed positive test shall not be permitted by a Certificate Holder to operate a vehicle under the jurisdiction of the Commission or perform any job in which injury to the public could occur until the Certificate Holder determines that the employee or licensee has received treatment and has been assessed as capable of resuming work. Should any such employee or licensee receive a second confirmed positive test during periodic random testing during the two years following the initial positive test, the Certificate holder shall immediately restrict the employee or licensee from operating any vehicle under the jurisdiction of the Commission or performing any job in which injury to the public could occur until further notice. The

Certificate Holder shall, to the extent allowed by law, communicate all information related to any confirmed positive tests to the Commission Director immediately upon the termination or resignation of the employee or licensee.

**Section 14**  
**Waivers and Variances**

- 14.1 Any person who is subject to regulation by the Commission may file a petition with the Commission, on a form designated by the Commission, requesting a variance or waiver from the Commission's Rule. Each petition shall specify:
  - 14.1.1 The Rule from which a variance or waiver is requested;
  - 14.1.2 The type of action requested;
  - 14.1.3 The specific facts that would justify a waiver or variance for the petitioner;
  - 14.1.4 The reason why the variance or the waiver requested would serve the purposes of the Special Act.
- 14.2 Within 30 days after receipt of a petition for a variance or waiver, the Commission staff shall review the petition and request submittal of all additional information required to process the petition. Within 30 days after receipt of such additional information, the Commission may request further information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information.
- 14.3 The Commission shall grant or deny a petition of variance or waiver within 90 days of receipt of the original petition, the last item of timely requested additional material, or the petitioners written request to finish processing the petition. A petition not granted or denied within 90 days as set forth above is deemed approved.
- 14.4 Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the Special Act will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this Section, "principles of fairness" are violated when the literal application of a Rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Rule.
- 14.5 The Commission may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only as to the extent necessary for the purposes of the underlying statute or Rule to be achieved.

**Section 15**  
**Lobbying by Former Members and Staff**

- 15.1 No individual who, after the effective date of this Section, becomes a regular or alternate member of the Commission, a Director, inspector, or other staff member of the Commission, or legal counsel to the Commission, may appear before the Commission as a petitioner or a lobbyist for a period of two (2) years after vacating such a position.

**Section 16**  
**Enforcement**

- 16.1 Any violation of these Rules in addition to suspension or revocation shall be enforced and punished pursuant to the Special Act, which may constitute a misdemeanor of the second degree.
- 16.2 These rules may be enforced by the Commission, the Commission staff and other law enforcement officials. The Commission may temporarily suspend a certificate, vehicle permit or public vehicle driver's license in order to complete an investigation, inspect a vehicle and/or ensure administrative requirements in order to enact the proper enforcement of these Rules. The temporary suspension will be lifted immediately upon completion of the task that required the temporary suspension.
- 16.3 The Commission may also secure enforcement of these Rules by any legal action such as injunctive relief.
- 16.4 The Commission is authorized to issue warnings, citations and/or develop and issue a summons to appear before it to any person who shall violate any of these Rules and may obtain from the State Attorney a warrant or *habeas corpus* for violation of these Rules.

**Section 17**  
**Severability**

- 17.1 If any Section, clause, provision, or portion of these rules is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of said rules shall not be affected thereby.

**Section 18**  
**Effective Date**

- 18.1 The provisions of these rules shall become effective upon approval and adoption by the Commission.

**Appendix 1**  
**Fees**

Fees shall be imposed by the Commission as follows (per Section 5, Chapter 2001-299, Laws of Florida).

1. The filing fee for the initial Application for a certificate and Application for ownership change/transfer is one thousand dollars (\$1,000.00). Following the inspection of wreckers, the permit fee for the first wrecker is three hundred and fifty dollars (\$350.00) for the first permit and one hundred dollars (\$100.00) for each additional permit, regardless of the class of vehicle. Additional wrecker permits may be added by paying the one hundred dollars (\$100.00) and completing a vehicle inspection for each vehicle added.
2. The filing fee for applications for name change, address change and other significant administrative changes to the existing application will be two hundred and fifty (\$250.00).
3. The fee for the annual renewal of a Certificate is three hundred dollars (\$300.00).
4. The annual renewal fee for vehicle permits is three hundred and fifty (\$350.00) for the first permit and one hundred (\$100.00) for each additional permit, regardless of the class of vehicle.
5. Permit transfer, replacement, or reinspection fee shall be thirty-five dollars (\$35.00) per vehicle.
6. The Application fee for a public vehicle driver's license is one hundred dollars (\$100.00).
7. The fee for renewal of a public vehicle driver's license is seventy-five dollars (\$75.00).
8. The fee to replace a lost or stolen public vehicle driver's license is twenty-five dollars (\$25.00).
9. The fee for replacing a lost correction card is twenty dollars (\$20.00).
10. The fee for an expired public vehicle driver's license renewal is seventy-five dollars (\$75.00).
11. All renewal fees for authorized permits, whether issued or not, and Certificates must be paid prior to October 1 of each year, or as approved by the Commission.
12. The fee for the reinstatement of a suspended Certificate is one hundred dollars (\$100.00).
13. The fee for submitting an appeal of a PVDL denial is twenty-five dollars (\$25.00).
14. The fee for a petition for Rule variance or waiver is one hundred dollars (\$100.00).
15. Any annual renewal fee which is not paid on time, if accepted, can be assessed a late fee of twenty-five percent (25%) of the amount owed.

**Appendix 2**  
**Applications and Instructions**

1. Every application shall be completed per the instructions on the form(s) provided, signed, sworn to and notarized where applicable and shall be filed with the Commission.
2. The types of applications include:
  - a. Application for certificate and permits (wrecker)
  - b. Application for administrative change (name, ownership, location, other)
  - c. Application for additional permits
  - d. Application for a public vehicle driver license (PVDL)
3. The applicant shall have an affirmative duty to advise the Commission and its staff immediately of any changes to all information submitted in connection with any application prior to any public hearing on that application.
4. The applicant's fingerprints and photograph, shall be taken by the Hillsborough County Sheriff's Office (HCSO) at Falkenburg Road, who will forward them to the Commission after processing.
5. Where the applicant is a business entity with more than one (1) principal owner, the designated executive officer is the only person required to have his fingerprints and photograph on file.
6. Each application shall be accompanied by an application fee which shall be non-refundable (See Appendix 1 Fees).
7. Disclosure of contract rights, options, or agreements, written or oral, which may affect changes in the ownership or control of the business of the applicant or the certificate sought by the applicant, or which could in any way materially affect the decision of the Commission relative to the issuance of the certificate to the applicant.
8. Disclosure of all owners in the case of general and limited partnerships, limited liability companies, joint ventures, closely held for-profit corporations (35 or less shareholders), or other business entities, except that corporations with more than 35 shareholders must disclose only those shareholders owning ten percent (10%) or more of the voting or dispositive shares in the corporation.

**Appendix 3**  
**Administrative Hearing Procedures**

1. For the purpose of reviewing wrecker service applications for a certificate, the Director will review the application and hold an administrative hearing at the Office of the Commission in order to develop a recommendation as to whether the application meets the requirements of public convenience and necessity. The recommendation of the Director will be presented to the Commission at the first available PTC meeting for a decision from the Commission at a Public Meeting.
2. Administrative hearings shall be preceded by a minimum of twenty (20) days' written notice to participants. Notice may be by citation or a letter and shall specify the Commission's proposed action and the grounds upon which the action is predicated. The participants may be represented by legal counsel and shall be allowed to present a defense. Failure to appear at any noticed hearing may result in a waiver of due process rights and may result in a fine, suspension or revocation of certificate, permit(s) or license. All such hearings shall be recorded for public record. Any participant may bring a court reporter for that purpose at their expense. The Commission, director/interim director, or hearing officer shall promptly notify all participants of its decision and shall state the reasons therefore.
3. If an administrative hearing before the Commission is an appeal of an action of the director/interim director or hearing officer following contest of a citation, the following rules shall also apply:
  - a. Facts not presented to the director/interim director or hearing officer shall not be considered by the Commission at the administrative hearing. However, if new and relevant facts are presented to the Commission or otherwise upon a finding by the Commission that certain relevant facts were not adequately ascertained at the director/interim director or hearing officer hearing, then the Commission may direct that the director/interim director or hearing officer administrative hearing be reopened to consider or ascertain such facts.
  - b. Commission members shall base their decision solely on record evidence that was offered during the director/interim director or hearing officer administrative hearing and the written findings or the director/interim director or hearing officer.

**Appendix 4**  
**Rates**

1. Light – Duty Towing and Recovery (up to 10,000 lbs. GVW)
  - a. Ordinary towing shall be a maximum of one hundred and fifteen dollars (\$115.00). This cost shall include the first thirty (30) minutes of waiting time prior to hook-up or after hook-up is completed and includes all ordinary clean-up, equipment and materials required to complete the service. Any additional waiting time may be charged at the rate of eighty dollars (\$80.00) per hour, calculated in minimum one quarter (1/4) hour increments (no charge shall be allowed for less than fifteen (15) minutes time). An additional charge of four dollars (\$4.00) per towed mile may be charged. The number of miles which a wrecker must travel shall be determined by calculating the shortest route between the location of the disabled vehicle and the designated place of rest.
  - b. Inordinate labor, winching and recovery, when necessary, for extrication of passenger vehicles from ditches, half-submerged vehicles or off road shall not exceed one hundred dollars (\$100.00) per hour, calculated in one-half (1/2) hour increments, provided that a fee, not to exceed fifty dollars (\$50.00), may be imposed for the first one-half (1/2) hour or portion thereof.
  
2. Medium – Duty Towing and Recovery (10,001 lbs. GVW to 16, 000 lbs. GVW and above)
  - a. Ordinary towing shall be a maximum of one hundred and sixty dollars (\$160.00). This rate shall include all labor normally associated with the towing to include, as a minimum, removing and replacing the drive shaft and pinning brakes when necessary. This cost shall include the first thirty (30) minutes of waiting time prior to hook-up or after hook-up is completed and includes all ordinary clean-up, equipment and materials required to complete the service. Any additional waiting time may be charged at the rate of one hundred and twenty-five dollars (\$125.00) per hour, calculated in minimum one quarter (1/4) hour increments (no charge shall be allowed for less than fifteen (15) minutes time). An additional charge of four dollars (\$4.00) per towed mile may be charged. The number of miles which a wrecker must travel shall be determined by calculating the shortest route between the location of the disabled vehicle and the designated place of rest.
  - b. Inordinate labor, winching and recovery, when necessary, for extrication of passenger vehicles from ditches, half-submerged vehicles or off road shall not exceed one hundred and twenty-five dollars (\$125.00) per hour, calculated in one-half (1/2) hour increments, provided that a fee, not to exceed sixty-two dollars and fifty cents (\$62.50), may be imposed for the first one-half (1/2) hour or portion thereof.
  - c. When additional tow trucks or vehicles are required, the maximum rates outlined above will apply.
  
3. Medium/Heavy – Duty Towing and Recovery (16,001 lbs. GVW and above)
  - a. Ordinary towing shall be a maximum of three hundred fifty dollars (\$350.00) for a separate tractor and a maximum of three hundred fifty dollars (\$350.00) for a separate trailer. A maximum of three hundred fifty dollars (\$350.00) may be charged

for a combination tractor-trailer if towed as a single vehicle. Other heavy-duty towing maximum rates shall not exceed three hundred fifty dollars (\$350.00). These rates shall include all labor normally associated with the heavy-duty towing to include, as a minimum, removing and replacing the drive shaft and pinning brakes when necessary. This cost shall include the first thirty (30) minutes of waiting time prior to hook-up or after hook-up is completed and includes all ordinary clean-up, equipment and materials required to complete the service. Any additional waiting time may be charged at the rate of two hundred (\$200.00) per hour, calculated in minimum one quarter (1/4) hour increments (no charge shall be allowed for less than fifteen (15) minutes time). An additional charge of six dollars (\$6.00) per towed mile may be charged. The number of miles which a wrecker must travel shall be determined by calculating the shortest route between the location of the disabled vehicle and the designated place of rest.

- b. Inordinate labor, winching and recovery, when necessary, for extrication of passenger vehicles from ditches, half-submerged vehicles or off road shall not exceed two hundred and seventy-five dollars (\$275.00) per hour, calculated in one-half (1/2) hour increments, provided that a fee, not to exceed one hundred thirty seven-dollars and fifty cents (\$137.50), may be imposed for the first one-half (1/2) hour or portion thereof.
  - c. When additional tow trucks or vehicles are required, the maximum rates outlined above will apply.
4. No storage rate, of any class, shall be charged unless a vehicle is stored in excess of twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense. Storage begins when the towed vehicle is secured at the Certificate Holder's approved storage site. After twenty-four (24) hours for normal impounds and six (6) hours for any impound generated from a criminal offense, the maximum storage fee for light-duty vehicles shall not exceed twenty-five dollars (\$25.00) per calendar day for inside or outside storage. Inside storage shall be applicable when it is necessary and practical for the protection of vehicles or property or when requested by the owner. For medium-duty classification vehicles, the storage rate shall not exceed thirty-five dollars (\$35.00) per calendar day. For medium/heavy-duty classification of vehicles, the storage rate shall not exceed fifty-five dollars (\$55.00) per calendar day (tractor and trailer may be considered two vehicles).
  5. The total charges for processing the lien notice cannot exceed seventy-five dollars (\$75.00) per vehicle.
  6. Rotator rates are as follows; \$500.00 per hour for the exclusive use of rotator service. Any towing associated with the rotator will be charged the fee for heavy duty rates.

**Appendix 5**  
**Civil Penalties Guidelines**

The following is a list of offenses and monetary civil penalties that will be assessed. The monetary penalty recorded on the initial citation is the amount to be paid if the citation is uncontested. If a citation is contested, the monetary penalty may be more or less than the original amount and will be decided at the administrative hearing. If determined guilty at the hearing, costs of the hearing will be assessed at a rate of \$25.00 per quarter (1/4) hour.

<u>Section 2 Violations</u>		<u>Penalty</u>
S.7(1), Law	Unlawful operation without a certificate	\$500.00
Rule 2.4	Failure to notify of ownership/control of a certificate	\$100.00
Rule 2.5	Failure to maintain proper business location site	\$100.00
Rule 2.6	Failure to comply with Florida Statutes or Administrative Code	\$100.00
<u>Section 3 Violations</u>		<u>Penalty</u>
Rule 3.3	Unlawful operation without a vehicle permit	\$100.00
Rule 3.3	Causing or allowing the operation without a vehicle permit	\$200.00
Rule 3.3	Operation or causing the operation while vehicle permit is suspended	\$100.00
Rule 3.4	Unauthorized removal, hiding or altering an "Out of Service" sticker	\$ 50.00
Rule 3.6	Unauthorized transfer of a permit	\$100.00
Rule 3.9	Failure to properly display a permit	\$100.00
<u>Section 4 Violations</u>		<u>Penalty</u>
Rule 4.1	Failure to maintain required insurance minimums	\$100.00
Rule 4.1	Reinstatement of a suspended certificate (see Appendix 1)	\$100.00
Rule 4.9	Operating a vehicle without required insurance	\$100.00
<u>Section 5 Violations</u>		<u>Penalty</u>
Rule 5.1	Unlawful vehicle operation without a valid PVDL or a PVDL expired more than 12 months.	\$100.00
Rule 5.1	Causing or allowing the unlawful operation without a valid PVDL or a PVDL expired more than 12 months.	\$200.00
Rule 5.17	Unlawful vehicle operation with an expired PVDL 12 months or less	\$ 50.00
<u>Section 6 Violations</u>		<u>Penalty</u>
Rule 6.1	Failure to comply with Florida regulatory traffic laws	\$ 50.00
Rule 6.2	Failure to properly display a PVDL	\$ 30.00
Rule 6.2	Operating without possession of a PVDL	\$ 30.00
Rule 6.3	Unlawful vehicle operation with a suspended permit/Certificate	\$100.00
Rule 6.5	Refusal or failure to clean accident scene	\$ 60.00
Rule 6.6	Failure to comply with laws and ordinances for towing	\$ 50.00
Rule 6.7	Failure to properly impound vehicle when officially requested	\$ 50.00
Rule 6.11	Coercing or pressuring owner/operators into agreements	\$100.00
Rule 6.12	Unauthorized use of flashing lights	\$ 50.00
Rule 6.14	Failure to maintain appropriate hygiene and appearance	\$ 30.00
Rule 6.14	Failure to be suitably dressed while on duty	\$ 30.00

Rule 6.15	Collecting fares or compensation for other than the approved rate	\$100.00
Rule 6.17	Use of abusive language or discourteous treatment to a customer	\$100.00
Rule 6.19	Allowing unauthorized driver to operate a permitted vehicle	\$150.00
<u>Section 7 Violations</u>		<u>Penalty</u>
Rule 7.1	Failure to maintain accurate records	\$100.00
Rule 7.2	Failure to maintain central place of business	\$200.00
Rule 7.3	Knowingly operating a suspended vehicle	\$200.00
Rule 7.5	Unauthorized sub-contracting	\$ 50.00
Rule 7.6	Failure to comply with laws, rules, codes and regulations	\$100.00
Rule 7.7	Failure to comply with law enforcement hold orders	\$200.00
Rule 7.8	Unauthorized solicitation at accident scenes	\$500.00
Rule 7.11	Failure to return personal property	\$200.00
Rule 7.12	Failure to provide notice of impoundment	\$ 20.00
<u>Section 8 Violations</u>		<u>Penalty</u>
Rule 8.1	Transporting vehicle that exceeds GVW of wrecker capability	\$ 50.00
Rule 8.2	Failure to maintain prescribed vehicle standards	\$100.00
<u>Section 9 Violations</u>		<u>Penalty</u>
Rule 9.1	Charging and/or collecting more than maximum rates	\$100.00
<u>Section 10 Violations</u>		<u>Penalty</u>
Rule 10.1	Failure to maintain proper storage facilities	\$100.00
Rule 10.8	Unauthorized use of alternate or unapproved storage location	\$100.00
Rule 10.9	Improper release of or refusal to release vehicle from storage	\$ 50.00
Rule 10.10	Failure to maintain required business operations hours and days	\$150.00
<u>Section 11 Violations</u>		<u>Penalty</u>
Rule 11.1	Failure to properly record dispatch records	\$ 50.00
Rule 11.2	Failure to properly maintain records	\$100.00
Rule 11.4	Failure to properly maintain records	\$100.00
Rule 11.5	Failure to properly maintain records	\$100.00
<u>Section 12 Violations</u>		<u>Penalty</u>
Rule 12.1	Violation of Commission suspension, revocation or probation order	\$100.00
<u>Section 13 Violations</u>		<u>Penalty</u>
Rule 13.1	Failure to comply with drug-free workplace policy requirements	\$ 50.00