

**Sec. 14.5-27. Application for wrecker operator's permit; violations.**

(a) No wrecker operator shall engage in trespass towing without first having obtained a wrecker operator permit from the owner of the company such operator is employed, or such owner's authorized designee. Each permit will meet the following specifications:

(1) Be not less than 2 1/8 inches by 3 3/8 inches.

(2) Contain a photograph of the wrecker operator that is not less than one inch by 1 1/2 inches in size.

(3) Provide the name of the wrecker service and wrecker operator's first name in letters that are not less than 1/4-inch by 1/4-inch.

(4) Provide a control number that is linked to the driver's personal information.

(5) Provide a place for the chief of police or designee to validate the permit.

a. After the permit is validated it shall be laminated to protect the information on the permit.

b. If the permit is lost, damaged, stolen, becomes illegible or the permit holder changes wrecker services, the permit must be replaced. The replacement permit shall be valid only for the remainder of the time period for which the initial permit was valid.

(b) It shall be unlawful for the owner of any wrecker service to permit any person to be employed as a wrecker operator conducting trespass towing within the city unless such person has been granted a wrecker operator permit to engage in trespass towing which has been validated by the chief of police or designee. Upon issuance of the permit, the wrecker operator is granted the privilege of engaging in trespass towing within the city limits of the City of Gainesville, Florida, unless such permit expires or is suspended or revoked, as provided in this article. Each permit shall be valid for two years from date of issuance.

(c) In order to secure a wrecker operator permit, an applicant must provide the following information on a form provided by the city. The applicant must:

(1) Submit to the chief of police or designee a certified copy from the Florida Department of Law Enforcement of his/her criminal history and a certified copy of his/her driving record from the Florida Department of Highway Safety and Motor Vehicles;

(2) Possess a valid Florida Class E driver's license and provide a photocopy to the chief of police or designee.

(3) Not have been convicted, pled nolo contendere to, or had adjudication withheld for or been incarcerated after any conviction, plea of nolo contendere or adjudication withheld for any of the following:

a. Any capital felony, any first degree felony, sexual battery, any violent felony involving the use of a gun or knife or which results in great bodily harm.

b. Within the previous ten years, any violent felony including not referenced in subsection a above.

c. Within the previous ten years, any felony or first degree misdemeanor directly related to the business of towing motor vehicles; repossession of motor vehicles; motor vehicle theft; car jacking or chop shops; or liens for recovering, towing, or storing vehicles and vessels (F.S. § 713.78).

d. Within the previous five years, of either: (1) driving under the influence of alcohol, a controlled substance, or a chemical substance, to the extent that normal faculties are impaired; or (2) driving with an unlawful blood alcohol level.

(d) A permit shall be reviewed and granted or denied in writing within two business days. If the permit is denied, the reason for such denial shall be provided in writing and shall also advise that the applicant may correct deficiencies in the application within seven days of the notice of denial without incurring an additional application fee.

(e) Permit fees shall be as provided in appendix A, Schedule of Fees, Rates and Charges.

(Ord. No. 050749, § 1, 7-23-07; Ord. No. 070455, § 1, 10-8-07)