

Amendment No. 13

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing PCB: Transportation & Highway
2 Safety Subcommittee

3 Representative Articles offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 2835 and 2836, insert:

7 Section 38. Subsections (2) and (3) of section 323.002,
8 Florida Statutes, are amended to read:

9 323.002 County and municipal wrecker operator systems;
10 penalties for operation outside of system.—

11 (2) In any county or municipality that operates a wrecker
12 operator system:

13 (a) It is unlawful for an unauthorized wrecker operator or
14 its employees or agents to monitor police radio for
15 communications between patrol field units and the dispatcher in
16 order to determine the location of a wrecked or disabled vehicle
17 for the purpose of driving by the scene of such vehicle in a
18 manner described in paragraph (b) or paragraph (c). Any person
19 who violates this paragraph commits ~~is guilty of~~ a noncriminal
20 violation, punishable as provided in s. 775.083, and the

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21 person's wrecker, tow truck, or other motor vehicle that was
22 used during the offense may be immediately removed and impounded
23 pursuant to subsection (3).

24 (b) It is unlawful for an unauthorized wrecker operator
25 to drive by the scene of a wrecked or disabled vehicle before
26 the arrival of an authorized wrecker operator, initiate contact
27 with the owner or operator of such vehicle by soliciting or
28 offering towing services, and tow such vehicle. Any person who
29 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
30 the second degree, punishable as provided in s. 775.082 or s.
31 775.083, and the person's wrecker, tow truck, or other motor
32 vehicle that was used during the offense may be immediately
33 removed and impounded pursuant to subsection (3).

34 (c) When an unauthorized wrecker operator drives by the
35 scene of a wrecked or disabled vehicle and the owner or operator
36 initiates contact by signaling the wrecker operator to stop and
37 provide towing services, the unauthorized wrecker operator must
38 disclose in writing to the owner or operator of the vehicle his
39 or her full name and driver license number, that he or she is
40 not the authorized wrecker operator who has been designated as
41 part of the wrecker operator system, that the motor vehicle is
42 not being towed for the owner's or operator's insurance company
43 or lienholder, and the maximum ~~must disclose, in writing, a fee~~
44 ~~schedule that includes what~~ charges for towing and storage which
45 will apply before the vehicle is connected to ~~or disconnected~~
46 ~~from~~ the towing apparatus. The unauthorized wrecker operator
47 must also provide a copy of the disclosure to the owner or
48 operator in the presence of a law enforcement officer if such

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49 officer is at the scene of a motor vehicle accident. the fee
50 charged per mile to and from the storage facility, the fee
51 charged per 24 hours of storage, and, prominently displayed, the
52 consumer hotline for the Department of Agriculture and Consumer
53 Services. Any person who violates this paragraph commits is
54 guilty of a misdemeanor of the second degree, punishable as
55 provided in s. 775.082 or s. 775.083, and the person's wrecker,
56 tow truck, or other motor vehicle that was used during the
57 offense may be immediately removed and impounded pursuant to
58 subsection (3).

59 (d) At the scene of a wrecked or disabled vehicle, it is
60 unlawful for a wrecker operator to falsely identify himself or
61 herself as being part of the wrecker operator system. Any person
62 who violates this paragraph commits is guilty of a misdemeanor
63 of the first degree, punishable as provided in s. 775.082 or s.
64 775.083, and the person's wrecker, tow truck, or other motor
65 vehicle that was used during the offense may be immediately
66 removed and impounded pursuant to subsection (3).

67 (3) (a) A law enforcement officer from any local
68 governmental agency or state law enforcement agency may cause to
69 be immediately removed and impounded from the scene of a wrecker
70 or disabled vehicle, at the unauthorized wrecker operator's
71 expense, any wrecker, tow truck, or other motor vehicle that is
72 used in violation of any provision of subsection (2). The
73 unauthorized wrecker operator shall be assessed a cost recovery
74 fine as provided in paragraph (b) by the authority that ordered
75 the immediate removal and impoundment of the wrecker, tow truck,
76 or other motor vehicle. A wrecker, tow truck, or other motor

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77 vehicle that is removed and impounded pursuant to this section
78 may not be released from an impound or towing and storage
79 facility before a release form has been completed by the
80 authority that ordered the immediate removal and impoundment of
81 the wrecker, tow truck, or other motor vehicle which verifies
82 that the cost recovery fine has been paid to the authority. The
83 vehicle must remain impounded until the fine has been paid or
84 until the vehicle is sold at public sale pursuant to s. 713.78.

85 (b) Notwithstanding any other provision of law to the
86 contrary, the unauthorized wrecker operator, upon retrieval of
87 the wrecker, tow truck, or other motor vehicle removed or
88 impounded pursuant to this section, and in addition to any other
89 penalties that may be imposed for noncriminal violations, shall
90 pay a cost recovery fine of \$500 for a first-time violation of
91 any provision of subsection (2), or a fine of \$1,000 for each
92 subsequent violation, to the authority that ordered the
93 immediate removal and impoundment of the wrecker, tow truck, or
94 other motor vehicle. Cost recovery funds collected under this
95 subsection shall be retained by the authority that ordered the
96 removal and impoundment of the wrecker, tow truck, or other
97 motor vehicle and may be used only for the enforcement,
98 investigation, prosecution, and training related to towing
99 violations and crimes involving motor vehicles.

100 (c) Notwithstanding any other provision of law to the
101 contrary and in addition to the cost of recovery fine required
102 by this subsection, a person who violates any provision of
103 subsection (2) shall pay the fees associated with the removal

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104 and storage of the unauthorized wrecker, tow truck, or other
105 motor vehicle.

106 ~~(4)(3)~~ This section does not prohibit, or in any way
107 prevent, the owner or operator of a vehicle involved in an
108 accident or otherwise disabled from contacting any wrecker
109 operator for the provision of towing services, whether the
110 wrecker operator is an authorized wrecker operator or not.
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116 **T I T L E A M E N D M E N T**

117 Remove line 181 and insert:
118 which certain disqualifications apply; amending s. 323.002,
119 F.S.; providing that an unauthorized wrecker operator's wrecker,
120 tow truck, or other motor vehicle used during certain offenses
121 may be immediately removed and impounded; requiring that an
122 unauthorized wrecker operator disclose in writing to the owner
123 or operator of a motor vehicle certain information; requiring
124 that the unauthorized wrecker operator also provide a copy of
125 the disclosure to the owner or operator in the presence of a law
126 enforcement officer if at the scene of a motor vehicle accident;
127 authorizing a law enforcement officer from a local governmental
128 agency or state law enforcement agency to cause to be removed
129 and impounded from the scene of a wrecked or disabled vehicle
130 an unauthorized wrecker, tow truck, or other motor vehicle;
131 authorizing the authority that caused the removal and

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132 impoundment to assess a cost recovery fine; requiring a release
133 form; requiring that the wrecker, tow truck, or other motor
134 vehicle remain impounded until the fine has been paid; providing
135 the amounts for the cost recovery fine for first-time and
136 subsequent violations; requiring that the unauthorized wrecker
137 operator pay the fees associated with the removal and storage of
138 the wrecker, tow truck, or other motor vehicle; amending s.
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