

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Albritton offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 2687 and 2688, insert:

5 Section 72. Subsection (2) of section 323.002, Florida  
6 Statutes, is amended to read:

7 323.002 County and municipal wrecker operator systems;  
8 penalties for operation outside of system.-

9 (2) In any county or municipality that operates a wrecker  
10 operator system:

11 (a) An unauthorized wrecker operator, during the normal  
12 course of business, shall display in plain view a fee schedule  
13 that includes, but is not limited to, the unauthorized wrecker  
14 operator's business telephone number, the fee charged per mile  
15 to and from the storage facility, and the fee charged per 24  
16 hours of storage. A violation of this paragraph, or soliciting

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17 another to do an act that violates this paragraph, is a  
18 deceptive and unfair trade practice and constitutes a violation  
19 of the Florida Deceptive and Unfair Trade Practices Act under  
20 part II of chapter 501.

21 (b)~~(a)~~ It is unlawful for an unauthorized wrecker operator  
22 or its employees or agents to monitor police radio for  
23 communications between patrol field units and the dispatcher in  
24 order to determine the location of a wrecked or disabled vehicle  
25 for the purpose of driving by the scene of such vehicle in a  
26 manner described in paragraph (b) or paragraph (c). Any person  
27 who violates this paragraph is guilty of a noncriminal  
28 violation, punishable as provided in s. 775.083.

29 (c)~~(b)~~ It is unlawful for an unauthorized wrecker operator  
30 to drive by the scene of a wrecked or disabled vehicle before  
31 the arrival of an authorized wrecker operator, initiate contact  
32 with the owner or operator of such vehicle by soliciting or  
33 offering towing services, and tow such vehicle. Any person who  
34 violates this paragraph is guilty of a misdemeanor of the second  
35 degree, punishable as provided in s. 775.082 or s. 775.083.

36 (d)~~(e)~~ When an unauthorized wrecker operator drives by the  
37 scene of a wrecked or disabled vehicle and the owner or operator  
38 initiates contact by signaling the wrecker operator to stop and  
39 provide towing services, the unauthorized wrecker operator must  
40 disclose to the owner or operator of the vehicle that he or she  
41 is not the authorized wrecker operator who has been designated  
42 as part of the wrecker operator system and must disclose, in  
43 writing, what charges for towing and storage will apply before  
44 the vehicle is connected to the towing apparatus. Any person who  
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45 violates this paragraph is guilty of a misdemeanor of the second  
46 degree, punishable as provided in s. 775.082 or s. 775.083. A  
47 violation of this paragraph, or soliciting another to do an act  
48 that violates this paragraph, is a deceptive and unfair trade  
49 practice and constitutes a violation of the Florida Deceptive  
50 and Unfair Trade Practices Act under part II of chapter 501.

51 (e)~~(d)~~ At the scene of a wrecked or disabled vehicle, it  
52 is unlawful for a wrecker operator to falsely identify himself  
53 or herself as being part of the wrecker operator system. Any  
54 person who violates this paragraph is guilty of a misdemeanor of  
55 the first degree, punishable as provided in s. 775.082 or s.  
56 775.083. A violation of this paragraph, or soliciting another to  
57 do an act that violates this paragraph, is a deceptive and  
58 unfair trade practice and constitutes a violation of the Florida  
59 Deceptive and Unfair Trade Practices Act under part II of  
60 chapter 501.

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64 **T I T L E A M E N D M E N T**

65 Remove line 380 and insert:  
66 cross-reference; amending s. 323.002, F.S.; requiring  
67 unauthorized wrecker operators to display a fee  
68 schedule and certain information; providing penalties;  
69 providing that specified violations relating to  
70 unauthorized wrecker operators constitute deceptive  
71 and unfair trade practices; providing effective dates.

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