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LEGISLATIVE ACTION

Senate

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House

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Floor: 1z/RE/2R

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05/02/2013 07:41 AM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (218538) (with title**
2 **amendment)**

3
4 Delete lines 3280 - 3401
5 and insert:

6 Section 53. Subsection (2) of section 323.002, Florida
7 Statutes, is amended, to read:

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

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

12 (a) It is unlawful for an unauthorized wrecker operator or
13 its employees or agents to monitor police radio for



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

20 (b) It is unlawful for an unauthorized wrecker operator to
21 drive by the scene of a wrecked or disabled vehicle before the
22 arrival of an authorized wrecker operator, initiate contact with
23 the owner or operator of such vehicle by soliciting or offering
24 towing services, and tow such vehicle. Any person who violates
25 this paragraph commits ~~is guilty of~~ a misdemeanor of the second
26 degree, punishable as provided in s. 775.082 or s. 775.083.

27 (c) When an unauthorized wrecker operator drives by the scene of
28 a wrecked or disabled vehicle and the owner or operator
29 initiates contact by signaling the wrecker operator to stop and
30 provide towing services, the unauthorized wrecker operator must
31 disclose in writing to the owner or operator of the vehicle his
32 or her full name and driver license number, that he or she is
33 not the authorized wrecker operator who has been designated as
34 part of the wrecker operator system, that the motor vehicle is
35 not being towed for the owner's or operator's insurance company
36 or lienholder, whether he or she has in effect an insurance
37 policy providing at least \$300,000 of liability insurance and at
38 least \$50,000 of on-hook cargo insurance, and the maximum ~~must~~
39 ~~disclose, in writing, a fee schedule that includes what charges~~
40 for towing and storage which will apply before the vehicle is
41 connected to ~~or disconnected from~~ the towing apparatus., ~~the fee~~
42 ~~charged per mile to and from the storage facility, the fee~~



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43 ~~charged per 24 hours of storage, and, prominently displayed, the~~
44 ~~consumer hotline for the Department of Agriculture and Consumer~~
45 ~~Services.~~ Any person who violates this paragraph commits ~~is~~
46 ~~guilty of~~ a misdemeanor of the second degree, punishable as
47 provided in s. 775.082 or s. 775.083.

48
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete lines 4872 - 4896

52 and insert:

53 323.002, F.S.,; requiring an unauthorized wrecker
54 operator disclose in writing to the owner or operator
55 of a disabled motor vehicle certain information;