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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

05/01/2013 10:08 AM

Senator Brandes moved the following:

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

3
4 Delete lines 3280 - 3353
5 and insert:

6 Section 53. Present subsection (3) of section 323.002,
7 Florida Statutes, is renumbered as subsection (4), a new
8 subsection (3) is added to that section, and subsection (2) of
9 that section is amended, to read:

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

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



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14 (a) It is unlawful for an unauthorized wrecker operator or
15 its employees or agents to monitor police radio for
16 communications between patrol field units and the dispatcher in
17 order to determine the location of a wrecked or disabled vehicle
18 for the purpose of driving by the scene of such vehicle in a
19 manner described in paragraph (b) or paragraph (c). Any person
20 who violates this paragraph commits ~~is guilty of~~ a noncriminal
21 violation, punishable as provided in s. 775.083, and the
22 person's wrecker, tow truck, or other motor vehicle that was
23 used during the offense may be immediately removed and impounded
24 pursuant to subsection (3).

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

35 (c) When an unauthorized wrecker operator drives by the
36 scene of a wrecked or disabled vehicle and the owner or operator
37 initiates contact by signaling the wrecker operator to stop and
38 provide towing services, the unauthorized wrecker operator must
39 disclose in writing to the owner or operator of the vehicle his
40 or her full name and driver license number, that he or she is
41 not the authorized wrecker operator who has been designated as
42 part of the wrecker operator system, that the motor vehicle is



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43 not being towed for the owner's or operator's insurance company
44 or lienholder, whether he or she has in effect an insurance
45 policy providing at least \$300,000 of liability insurance and at
46 least \$50,000 of on-hook cargo insurance, and the maximum must
47 ~~disclose, in writing, a fee schedule that includes what charges~~
48 ~~for towing and storage which will apply before the vehicle is~~
49 ~~connected to or disconnected from the towing apparatus. The~~
50 unauthorized wrecker operator must also provide a copy of the
51 disclosure to the owner or operator in the presence of a law
52 enforcement officer if such officer is at the scene of a motor
53 vehicle accident, the fee charged per mile to and from the
54 storage facility, the fee charged per 24 hours of storage, and,
55 ~~prominently displayed, the consumer hotline for the Department~~
56 ~~of Agriculture and Consumer Services. Any person who violates~~
57 ~~this paragraph commits is guilty of a misdemeanor of the second~~
58 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and~~
59 the person's wrecker, tow truck, or other motor vehicle that was
60 used during the offense may be immediately removed and impounded
61 pursuant to subsection (3).

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:
65 Delete lines 4872 - 4873
66 and insert:
67 323.002, F.S.; providing that an unauthorized