The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 2260 and 2261

insert:

Section 57. Subsections (1) and (2) of section 323.001, Florida Statutes, are amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(1) An investigating agency may place a hold on a motor vehicle stored within a wrecker operator’s storage facility for a period not to exceed 7 ½ days, excluding holidays and weekends, unless extended in writing.
(2) The investigating agency must notify the wrecker operator in writing within 7 ½ days, excluding holidays and weekends, whether the hold is to be continued. If no notification follows this period of time, the wrecker operator may release the vehicle to the designated person pursuant to s. 713.78.

(a) If the hold is to continue beyond 7 ½ days, excluding holidays and weekends, the investigating agency may have the vehicle removed to a designated impound lot, in which event the vehicle will not be released by the investigating agency to the owner or lienholder of the vehicle until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency.

(b) If the investigating agency chooses to have the vehicle remain at the wrecker operator’s storage facility beyond 7 ½ days, excluding holidays and weekends, pursuant to the written notification, the investigating agency shall be responsible for payment of the storage charges incurred by the wrecker operator for the requested extended period. In such an event, the owner or lienholder shall be responsible for payment of accrued towing and storage charges for the first 7 ½ days, excluding holidays and weekends, or any period less than the first 7 ½ days, excluding holidays and weekends, when the investigating agency either moves the vehicle from the wrecker operator’s storage facility to a designated impound lot or provides written notification to extend the hold on the vehicle before the expiration of the 7 ½ days, excluding holidays and weekends.

(c) The towing and storage rates for the owner or lienholder of the held vehicle may shall not exceed the contract
Section 58. Section 323.002, Florida Statutes, is amended to read:

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

(1) As used in this section, the term:

(a) “Authorized wrecker operator” means any wrecker operator who has been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(b) “Unauthorized wrecker operator” means any wrecker operator who has not been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(c) “Wrecker operator system” means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.

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

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

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

(c) When an unauthorized wrecker operator drives by the
scene of a wrecked or disabled vehicle and the owner or operator
initiates contact by signaling the wrecker operator to stop and
provide towing services, the unauthorized wrecker operator must
disclose in writing to the owner or operator of the vehicle his
or her full name and driver license number, that he or she is
not the authorized wrecker operator who has been designated as
part of the wrecker operator system, that the motor vehicle is
not being towed for the owner’s or operator’s insurance company
or lienholder, and the maximum must disclose, in writing, what
charges for towing and storage which will apply before the
vehicle is connected to the towing apparatus. The unauthorized wrecker operator must also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle accident. Any person who violates this paragraph commits is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the person’s wrecker, tow truck, or other motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

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

(3)(a) A law enforcement officer from any local governmental agency or state law enforcement agency may cause to be immediately removed and impounded from the scene of a wrecked or disabled vehicle, at the unauthorized wrecker operator’s expense, any wrecker, tow truck, or other motor vehicle that is used in violation of any provision of subsection (2). The unauthorized wrecker operator shall be assessed a cost recovery fine as provided in paragraph (b) by the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle. A wrecker, tow truck, or other motor vehicle that is removed and impounded pursuant to this section
may not be released from an impound or towing and storage facility before a release form has been completed by the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle which verifies that the cost recovery fine has been paid to the authority. The vehicle must remain impounded until the fine has been paid or until the vehicle is sold at public sale pursuant to s. 713.78.

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

(c) Notwithstanding any other provision of law to the contrary and in addition to the cost recovery fine required by this subsection, a person who violates any provision of subsection (2) shall pay the fees associated with the removal and storage of the unauthorized wrecker, tow truck, or other motor vehicle.

(4) This section does not prohibit, or in any way
prevent, the owner or operator of a vehicle involved in an accident or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

================= T I T L E A M E N D M E N T =================
And the title is amended as follows:

Delete line 311

and insert:

motor vehicle; amending s. 323.001, F.S.; revising the period during which an investigating agency may place a hold on a motor vehicle stored within a wrecker operator’s storage facility; revising provisions to conform to changes made by the act; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator’s wrecker, tow truck, or other motor vehicle used during certain offenses may be immediately removed and impounded; requiring that an unauthorized wrecker operator disclose in writing to the owner or operator of a motor vehicle certain information; requiring that the unauthorized wrecker operator also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if at the scene of a motor vehicle accident; authorizing a law enforcement officer from a local governmental agency or state law enforcement agency to cause to be removed and impounded from the scene of a wrecked or disabled vehicle an unauthorized wrecker, tow truck, or other motor vehicle; authorizing the
authority that caused the removal and impoundment to assess a cost recovery fine; requiring a release form; requiring that the wrecker, tow truck, or other motor vehicle remain impounded until the fine has been paid; providing the amounts for the cost recovery fine for first-time and subsequent violations; requiring that the unauthorized wrecker operator pay the fees associated with the removal and storage of the wrecker, tow truck, or other motor vehicle; amending s. 324.072, F.S.; prohibiting