



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

VEHICLE AND VESSEL TOWING AND IMPOUNDMENT

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
09	September 24, 2019	December 16, 2008	All Members

References

S. 316.193, 322.34, 323.001, 379, 932.701, 932.7062 F.S.
CFA 18.05M, 18.13M

1 POLICY

- A** The Division authorizes its sworn members to tow, impound, and store vehicles and vessels in accordance with Florida Statutes and the procedures provided in this General Order.
- B** It is the policy of the Division to establish procedures for the towing/impoundment of vehicles and vessels in order to:
 - (1) Protect the property of arrested individuals upon incarceration;
 - (2) Take precautions to protect the owner's property after an accident, if the owner/operator is unable to do so;
 - (3) Protect the Division from liability claims; and to
 - (4) Effectively provide public service assistance if required.

2 RESPONSIBILITIES

- A** Members are responsible for following the policies and procedures given in this General Order to protect individual and public property, secure evidence of crime, and to minimize the potential of risk exposure of the Division and its members.
- B** Members are responsible for adhering to Section 323.001, Florida Statutes regarding holds placed on vehicles in storage at a wrecker operator storage facility.

3 PROCEDURES

A Vehicles and Vessels

- (1) Vehicles and Vessels shall be towed and impounded for the following reasons:
 - (a) To secure evidence of a crime;
 - (b) To protect the public or property of the public;
 - (c) To protect the owner's/operator's vehicle/vessel and property within;

- (d) To protect the Division from liability claims;
 - (e) If the driver/operator has been arrested for DUI/BUI and no other licensed driver/operator is available. Also, no vehicle/vessel shall be left in the possession of any person who appears to be impaired from the use of alcohol or drugs; or
 - (f) As provided in Florida Statutes.
- (2) When sworn members are not required to impound or tow a vehicle, they may:
- (a) Leave the vehicle at the scene;
 - (b) Have the vehicle removed by the owner's representative; or
 - (c) The owner may request a towing company.
 - 1. If the driver/owner requests their vehicle and/or trailer to be towed, the member should determine if they have a preference for a tow company. If the owner has no preference, a sworn member shall contact the communications center to obtain a rotation wrecker from Florida Highway Patrol.
- (3) Sworn members shall not routinely tow privately owned vehicles with a Commission vehicle.
- (a) Certain circumstances may prohibit a commercial towing company from being able to access and/or tow a vehicle. A member may tow the vehicle, with supervisory approval, if no other options exist and the member can complete the tow safely. The member shall only tow to a point where the vehicle can be either driven or towed by other means.
- (4) Sworn members shall not routinely tow privately owned vessels with a Commission vessel.
- (a) Circumstances may prohibit a commercial towing company from being able to access and/or tow a vessel. Supervisors may approve a member to operate or tow a vessel in these extreme and rare circumstances and only as a last option, refer to Section 3(C) for additional procedures on towing vessels. A member may operate the vessel with supervisory approval and subject to the following conditions.
 - (b) If licensure, training or certification are necessary to operate the vessel, the member shall possess all required licensure, training and certification prior to operating the vessel.
 - (c) The member shall operate the vessel in a safe and prudent manner using reasonable care to protect any passengers on the vessel, the vessel itself, and its contents.
- (5) Sworn members shall not discuss alternatives to impoundment after the determination that the vehicle/vessel should be towed and a wrecker service has been notified.
- (6) When a vehicle/vessel is towed at the sworn member's request, a Vehicle/Vessel Storage Receipt and Written Hold Order (FWCDLE-120) shall be completed. The form must be completed in its entirety to include all of the following information:
- (a) Date and Time;
 - (b) Location;
 - (c) Name of requesting member;
 - (d) Reason for removal or tow;
 - (e) Name, address and telephone number of towing service;
 - (f) Location of vehicle/vessel;
 - (g) Condition of vehicle/vessel;
 - (h) Notification (or attempts) to the registered owner; and

- (i) Members may attach an Incident Report Summary Narrative if necessary to document any additional information.
- (7) When the vehicle does not need to be held, the Hold Sections on the form should not be completed. The following areas shall be inventoried, and any property contained therein listed on the Vehicle/Vessel Storage Receipt and Written Hold Order (FWCDLE-120):
- (a) The passenger compartment of the vehicle, including all packages and containers;
 - (b) The trunk compartment of the vehicle, including all packages and containers;
 - (c) The glove compartment of the vehicle;
 - (d) Any other areas that may be designed and normally used to hold personal property of the owner; and
 - (e) Any locked, secured or wrapped packages or containers shall be noted as being locked and shall not be opened unless prescribed by law or with the owner's consent.

B Holds Placed on Vehicles/Vessels

- (1) A sworn member shall have the authority to place a verbal hold on a vehicle/vessel not to exceed 5 days, excluding holidays and weekends.
 - (a) Verbal holds shall be removed as soon as possible.
 - (b) The sworn member placing the hold is responsible for notifying the wrecker operator when the hold has been removed.
- (2) On verbal holds the Hold Section of the Vehicle/Vessel Storage Receipt and Written Hold Order (FWCDLE-120) shall not be completed.
- (3) As soon as possible, the sworn member shall notify their supervisor and the communications center of the verbal hold and for what reasons.
- (4) Written approvals for hold extensions beyond the five day requirement must be approved by a Captain or above and the Hold Sections of the Vehicle/Vessel Storage Receipt and Written Hold Order (FWCDLE-120) must be completed within the 5 day limitation. The Captain shall also verbally verify the Division's intentions with the towing/storage facility.
- (5) The Division may have the vehicle/vessel removed to a designated impound lot, in which event the vehicle/vessel shall not be released by the Division 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 Division.
- (6) If the Division chooses to have the vehicle/vessel remain at the wrecker operator's storage facility beyond 5 days, excluding holidays and weekends, pursuant to the written notification (Vehicle/Vessel Storage Receipt and Written Hold Order FWCDLE-120), the Division shall be responsible for payment of the storage charges incurred by the wrecker operator for the extended period.
 - (a) In such event, the owner or lienholder shall be responsible for payment of accrued towing and storage charges for the first 5 days, excluding holidays and weekends, or any period less than the first 5 days, excluding holidays and weekends, when the Division either moves the vehicle from the wrecker operator's storage facility to a designated impound lot or provides written notification (Vehicle/Vessel Storage Receipt and Written Hold Order FWCDLE-120) to extend the hold on the vehicle prior to the expiration of the 5 days, excluding holidays and weekends.
- (7) The towing and storage rates assessed to the owner or lienholder of the held vehicle/vessel shall not exceed the rates assessed to the Division in accordance with section 323.001(1)(c), Florida Statutes.

- (8) If there is a judicial finding of lack of probable cause for maintaining the immobilization or impoundment, the Division must pay the accrued charges for any towing and storage.
- (9) The requirements for a written hold apply when the following conditions are present:
 - (a) The sworn member has probable cause to believe the vehicle/vessel should be seized and forfeited under the Florida Contraband Forfeiture Act, Section 932.701 - Section 932.7062 Florida Statutes.
 - (b) The sworn member has probable cause to believe the vehicle/vessel should be seized and forfeited under chapter 379, Florida Statutes.
 - (c) The sworn member has probable cause to believe the vehicle/vessel was used as the means of committing a crime.
 - (d) The sworn member has probable cause to believe that the vehicle/vessel is itself evidence that tends to show that a crime has been committed or that the vehicle/vessel contains evidence, which cannot readily be removed, which tends to show that a crime has been committed.
 - (e) The sworn member has probable cause to believe the vehicle/vessel was involved in an accident resulting in death or personal injury and should be sealed for investigation and collection of evidence by an investigator.
 - (f) The vehicle is impounded or immobilized pursuant to Section 316.193 or Section 322.34, Florida Statutes.
 - (g) The sworn member is complying with a court order.
- (10) All written holds are to be so indicated on the Vehicle/Vessel Storage Receipt and Written Hold Order (FWCDLE-120).
- (11) When it becomes necessary to place a written hold on a vehicle/vessel, the appropriate Captain shall notify the wrecker operator of the approved written hold.
- (12) It shall be the responsibility of the appropriate Captain requesting the written hold to also notify the wrecker operator when the written hold is approved to be released.

C Towing Disabled Vessels

- (1) Generally, a member should not tow a disabled vessel, especially if the towed vessel is larger than the patrol vessel being operated.
- (2) Whenever feasible, arrangements should be made to have disabled vessels towed by commercial or other towing services.
- (3) Towing of disabled vessels should be limited to those instances in which the member determines that persons or property are in peril and other towing resources are not available.
- (4) In cases where towing a disabled vessel becomes necessary, occupants of both vessels must wear personal flotation devices.
- (5) Members intending to tow a disabled vessel shall request an incident summary number and advise the communications center of the following:
 - (a) The registration or description of the vessel;
 - (b) The number of occupants on board; and
 - (c) Where the member intends to tow the vessel.
- (6) The member should tow the disabled vessel to the closest safe place unless other factors dictate another location.

- (7) The member shall advise the communications center where and when the disabled vessel is safely secured.

D Procedures for Abandoned Vehicles/Vessel and FCIC Entries

- (1) Sworn members shall contact the appropriate communications center to initiate an FCIC entry on a vehicle when the vehicle is found abandoned and the owner cannot be notified or located.
- (2) Upon towing of the vehicle, the FCIC entry shall document the vehicle as “Abandoned and Impounded.”
- (3) If the requesting member is later able to locate the owner or receives information that the vehicle has been returned to the owner, the member shall contact the communications center and request removal of the FCIC entry on the vehicle.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Report Summary Narrative
FWCDLE-120	Vehicle-Vessel Storage Receipt and Written Hold Order