

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Seminole County Towing and Transport of Vehicles Ordinance

DEPARTMENT: Administrative Services **DIVISION:** _____

AUTHORIZED BY: Don Fisher **CONTACT:** Jamie Croteau **EXT.** 5277

Agenda Date <u>2/22/05</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input checked="" type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION: Staff is seeking direction on revising rates in the Seminole County Towing and Transport of Vehicles Ordinance, Ordinance Number 2000-19.

BACKGROUND:

The local wrecker operators approached the County through Bob Cortes, Area Director, Region 5, Professional Wrecker Operators of Florida, and owner of Cortes Towing Services. The local operators have requested an increase in the maximum tow rates set by the County. The current tow rates were set in 2000 and have not been adjusted in recent years. Increases in fuel and insurance costs prompted the local operators to bring this issue forward to the Board of County Commissioners. The Board then directed staff to review the request and set forth a recommendation for Board discussion.

A survey of other local governments and their rates is attached. The maximum cost of a non-consensual tow in Seminole County is \$100.00. Seminole County seems to be in-line with other agencies. However, we have attached a chart, Attachment A, showing the average price for diesel fuel from 2000 through 2004. Although, this price fluctuates, the cost has increased approximately 26.5% from December of 2000 to December 2004.

Staff also reviewed the Consumer Price Index, All Urban Consumers. Attachment B shows this data. The increase in the index from December 2000 to December 2004 is 9.37%. Using the benchmark that fuel costs are approximately 13% of revenue and applying both the cost increase in fuel and the CPI to the current \$100 rate, an increase of \$12 is justified.

Staff would recommend an adjustment of \$12 to bring the maximum non-consensual and trespass tow rate to \$112. To bring the Seminole County in closer alignment with other agencies, staff would also recommend lowering the miles necessary to incur a mileage charge from 15 miles down to 10 miles.

Staff is seeking direction as to whether or not to proceed with the suggested changes. A copy of the Seminole County Ordinance is attached for convenience.

Reviewed by:	_____
Co Atty:	_____
DFS:	_____
Other:	_____
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>BASQ1</u>



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Data extracted on: January 24, 2005 (10:55:57 AM)

Consumer Price Index - Average Price Data

Series Id: APU030074717													
Area: South urban													
Item: Automotive diesel fuel, per gallon/3.785 liters													
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
1998	1.190	1.164	1.143	1.138	1.133	1.132	1.124	1.108	1.099	1.110	1.096	1.060	
1999	1.053	1.049	1.048	1.098	1.105	1.106	1.114	1.155	1.202	1.229	1.235	1.280	
2000	1.309	1.468	1.523	1.477	1.446	1.469	1.475	1.463	1.605	1.611	1.610	1.596	
2001	1.562	1.568	1.511	1.491	1.497	1.504	1.447	1.419	1.482	1.411	1.332	1.298	
2002	1.280	1.269	1.302	1.368	1.389	1.364	1.356	1.353	1.387	1.457	1.462	1.441	
2003	1.508	1.654	1.764	1.692	1.571	1.509	1.489	1.514	1.518	1.486	1.468	1.482	
2004	1.560	1.566	1.605	1.630	1.693	1.683	1.676	1.771	1.847	2.064	2.121	2.019	

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ATTACHMENT A



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Data extracted on: January 27, 2005 (9:50:16 AM)

Consumer Price Index - All Urban Consumers

Series Id: CUUR0000SA0, CUUS0000SA0 Not Seasonally Adjusted Area: U.S. city average Item: All items Base Period: 1982-84=100															
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1994	146.2	146.7	147.2	147.4	147.5	148.0	148.4	149.0	149.4	149.5	149.7	149.7	148.2	147.2	149.3
1995	150.3	150.9	151.4	151.9	152.2	152.5	152.5	152.9	153.2	153.7	153.6	153.5	152.4	151.5	153.2
1996	154.4	154.9	155.7	156.3	156.6	156.7	157.0	157.3	157.8	158.3	158.6	158.6	156.9	155.8	157.9
1997	159.1	159.6	160.0	160.2	160.1	160.3	160.5	160.8	161.2	161.6	161.5	161.3	160.5	159.9	161.2
1998	161.6	161.9	162.2	162.5	162.8	163.0	163.2	163.4	163.6	164.0	164.0	163.9	163.0	162.3	163.7
1999	164.3	164.5	165.0	166.2	166.2	166.2	166.7	167.1	167.9	168.2	168.3	168.3	166.6	165.4	167.8
2000	168.8	169.8	171.2	171.3	171.5	172.4	172.8	172.8	173.7	174.0	174.1	174.0	172.2	170.8	173.6
2001	175.1	175.8	176.2	176.9	177.7	178.0	177.5	177.5	178.3	177.7	177.4	176.7	177.1	176.6	177.5
2002	177.1	177.8	178.8	179.8	179.8	179.9	180.1	180.7	181.0	181.3	181.3	180.9	179.9	178.9	180.9
2003	181.7	183.1	184.2	183.8	183.5	183.7	183.9	184.6	185.2	185.0	184.5	184.3	184.0	183.3	184.6
2004	185.2	186.2	187.4	188.0	189.1	189.7	189.4	189.5	189.9	190.9	191.0	190.3	188.9	187.6	190.2

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ATTACHMENT B

Non-Consensual Towing Rates

1/1/2005

City/County	Car Tow	Truck Tow (over 2 tons)	Storage Per Day-Cars	Admin Charge	After Hours Release	Labor	Fuel Surcharge	Wait Fee
Altamonte Springs	\$65.00 to \$75.00	\$85.00 to \$105.00	\$15.00 to \$18.00	\$30.00 to \$35.00 plus \$5.00 per certified letter	Not indicated	Not indicated	Not indicated	Not indicated
Casselberry	\$62.50 plus after 10 miles/\$2.90	\$82.50 plus after 10 miles/\$4.50	\$12.50 to \$22.50	Not indicated	\$44.00	Not indicated	Not indicated	\$59.00/hour
Longwood	\$75.00 plus after 10 miles/\$2.00	\$200.00 plus after 10 miles/\$5.00	\$20.00	Not indicated	Not indicated	Not indicated	Not indicated	Not indicated
Orlando	\$100.00	\$200.00	\$15.00	\$30.00 after 48 hours	Not indicated	Not indicated	Not indicated	Not indicated
Brevard County	\$102.00 plus after 10 miles/\$2.80	\$178.33 plus after 10 miles/\$3.57	\$20.38	Not indicated	Not indicated	\$45.95/hour	Not indicated	\$45.95/hour
Orange County	\$100.00 plus after 10 miles/\$3.00	\$200.00 plus after 10 miles/\$4.00	\$20.00	Not indicated	Not indicated	\$15.00/15 minutes		\$60.00/hour after 30 minutes
Seminole County	\$100.00 plus after 15 miles/\$3.00	\$200.00 plus after 15 minles/\$4.00	\$15.00	\$30.00 after 48 hours	Not indicated	\$15.00/15 minutes		\$15.00/15 minutes
Volusia County	\$100.00 plus after 10 miles/\$3.00	\$200.00 plus after 10 miles/ \$4.00	\$20.00	no defined limit	\$25.00	\$25.00/15 minutes		\$25.00/15 minutes
Osceola County	\$110.00			\$45.00 after 48 hours				

ORDINANCE NO 2000-19

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE RELATED TO THE TOWING AND TRANSPORT OF VEHICLES IN SEMINOLE COUNTY FLORIDA; PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR INCLUSION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has recently enacted Sections 125.0103(c) and 166.043(c), Florida Statutes, which mandate that Counties shall establish maximum fees to be charged for nonconsensual towing services and "trespass tows" authorized by Section 715.07, Florida Statutes; and

WHEREAS, the Board of County Commissioners has received evidence from the general public and local towing industry which leads the Board to conclude that the maximum fees and various rules and regulations established herein are fair and reasonable and in the best interests of the health, welfare and safety of the residents of Seminole County; and

WHEREAS, the Seminole County Home Rule Charter requires that an Economic Impact Statement be prepared to address the potential fiscal impacts and economic costs of this Ordinance upon the public and taxpayers of Seminole County and such Economic Impact Statement has been prepared and has been made available for public review and copying prior to the enactment

of this Ordinance in accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Title. This Ordinance shall be known as the "Seminole County Towing Ordinance".

Section 2. Definitions. As used in this Ordinance, the following words and terms shall have the meanings respectively ascribed:

(a) **Bona-Fide Extra Labor Time.** When special circumstances have arisen, the amount of time that is reasonably needed above and beyond the initial thirty (30) minutes at the scene to safely effect the removal of a vehicle or its load from the scene of an accident or other incident requiring a tow. All special circumstances must be approved by the officer on the scene. No travel time shall be included.

(b) **Bona-Fide Waiting Time.** The actual time at the site of the vehicle to be towed consistent with the directions received to arrive at the scene and during which time the presence of the Towing Service has been requested, but, due to circumstances beyond the control of the Towing Service, work can not diligently commence to the vehicle. No travel time shall be included.

(c) **Nonconsensual Towing.** The removal and storage of wrecked or disabled vehicles from an accident scene or the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle, excepting, however, all incidents of "Trespass Towing" as hereinbelow defined.

(d) **Property Owner.** That person who exercises dominion and control over a parcel of real property, including but not limited to the legal title holder, lessee, a resident manager, a property manager or other agent who has legal authority to bind the owner. A person providing a Towing Service may not be appointed as an agent for a property owner.

(e) **Tow.** To haul, carry, pull along, or otherwise transport or remove a vehicle by means of another vehicle.

(f) **Towing Service.** Any person, company, corporation or other entity, whether licensed or not, who engages in or owns or operates a business which engages, in whole or in part, in the towing or removal of motor vehicles for compensation.

(g) **Trespass Towing.** Towing or removal of a vehicle, without the consent of the vehicle's owner or operator, as such is authorized by Section 715.07, F.S., when that vehicle is parked on private real property.

Section 3. Rates.

(1) The maximum rates for towing a vehicle, for the storage of a towed vehicle or for the rendition of other services involving the use of a wrecker or other customary towing services when the point of origin of the tow or such services is within the unincorporated territory of Seminole County shall be as follow:

(A) Class A vehicles (gross vehicle weight through ten thousand (10,000) pounds or vehicle carrying a vessel fifteen (15) feet or less in length)

Trespass Tow (flat rate)	\$100.00
Non Consensual Tow	\$100.00
Non Consensual Tow, per mile over initial fifteen (15) miles, per full extra mile	\$ 3.00
Non Consensual Tow, bona-fide waiting/extra labor time beyond initial thirty (30) minutes at scene, per full extra fifteen (15) minute block	\$ 15.00
Trespass or Non Consensual Tow daily storage per day	\$ 15.00

(B) Class B vehicles (gross vehicle weight ten thousand one (10,001) pounds or more but less than nineteen thousand five hundred (19,500) pounds or vehicle carrying a vessel more than fifteen (15) feet but less than or equal to twenty-two (22) feet in length)

Trespass Tow (flat rate) Two times (2x)
the rate in A

Non Consensual Tow Two times (2x)
the rate in A

Non Consensual Tow, per
mile over initial fifteen (15)
miles, per full extra mile \$ 4.00

Non Consensual Tow, bona-fide
waiting/extra labor time beyond
initial thirty (30) minutes at
scene, per full extra fifteen
(15) minute block Two times (2x)
the rate in A

Trespass or Non Consensual
Tow daily storage per day Two times (2x)
the rate in A

(C) Class C vehicles (gross vehicle weight
nineteen thousand five hundred (19,500) or more pounds but less
than twenty-five thousand (25,000) pounds or vehicle carrying a
vessel more than twenty-two (22) feet in length)

Trespass Tow (flat rate) Three times (3x)
the rate in A

Non Consensual Tow Three times (3x)
the rate in A

Non Consensual Tow, per
mile over initial fifteen (15)
miles, per full extra mile \$ 5.00

Non Consensual Tow, bona-fide
waiting/extra labor time beyond
initial thirty (30) minutes at
scene, per full extra fifteen
(15) minute block Three times (3x)
the rate in A

Trespass or Non Consensual

Tow daily storage per day Three times (3x)
the rate in A

D. Class D Vehicles (gross vehicle weight
twenty-five thousand (25,000) or more pounds)

Trespass Tow (flat rate) Four times (4x)
the rate in A

Non Consensual Tow Four times (4x)
the rate in A

Non Consensual Tow, per
mile over initial fifteen (15)
miles, per full extra mile \$ 6.00

Non Consensual Tow, bona-fide
waiting/extra labor time beyond
initial thirty (30) minutes at
scene, per full extra fifteen
(15) minute block Four times (4x)
the rate in A

Trespass or Non Consensual
Tow daily storage per day Four times (4x)
the rate in A

(2) It is unlawful for a Towing Service to make or assess additional charges or fees for any special equipment or services including, but not limited to, double hook up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, dollies, trailer or flat bed, lifts, slim jims, go jacks, removing bumpers, or airing up brakes.

(3) It is unlawful for a Towing Service to make or assess other fees of whatever kind for services rendered during the first twenty-four (24) hours that the vehicle is in the possession of the Towing Service in the case of Trespass Tows,

or the first six (6) hours in the case of Nonconsensual Tows, in both cases beginning from the time the vehicle is delivered to the storage facility. Storage fees as set forth above may be assessed after the initial non-fee periods based on twenty-four (24) hour increments and not on calendar days. An administrative fee of thirty dollars (\$30.00) may be charged after the first forty-eight (48) hours of storage so long as the Towing Service has actually complied with the requirements of *Section 713.78, Florida Statutes*, including execution and mailing of the lien notice. Further, a "tarpaulin fee" in the amount of fifteen dollars (\$15.00) may be assessed when the Towing Service reasonably finds it necessary to install and maintain tarpaulin coverage on any stored vehicle in order to protect the interior accessories or upholstery of such vehicle from damage by inclement weather.

(4) Law enforcement officials making calls to Towing Services to arrange for towing are encouraged to make such requests in a manner that will minimize costs to consumers and to ensure that inordinate waiting times do not occur while Towing Service personnel are awaiting to perform their services at a scene at which such services are necessary.

Section 4. Civil Remedy. In addition to the penalties provided for herein, any person who violates this Ordinance shall be liable to the owner or lessee of the vehicle for all

costs of recovery (including all towing and storage fees) plus attorney's fees and court costs, and for any damages resulting directly or indirectly from the removal, transportation or storage of the vehicle.

Section 5. Enforcement. This Ordinance may be enforced by any and all means legally available and for purposes of Chapter 53, Seminole County Code, shall constitute a Class II violation.

Section 6. Codification. The provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 6, 7, and 8 shall not be codified.

Section 7. Severability of provisions. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

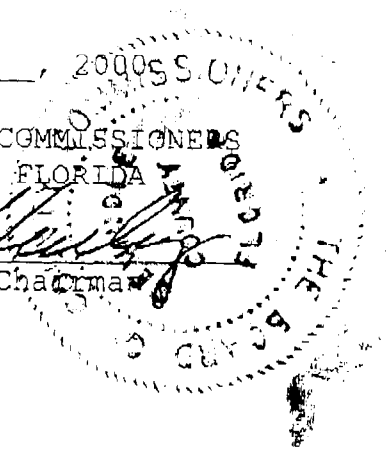
Section 8. Effective Date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 28th day of March, 2000

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:

Carlton Henley
CARLTON HENLEY, Chairman



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1/20/00