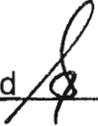


**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Seminole County Towing and Transport of Vehicles Ordinance

DEPARTMENT: Administrative Services **DIVISION:** Support Services

AUTHORIZED BY: Steve Howard  **CONTACT:** Meloney Lung  **EXT.** 5256

Agenda Date <u>08/22/06</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>
--

MOTION/RECOMMENDATION: Adopt and authorize the Chairman to execute the ordinance to change the Class "A" storage fee and the administrative fee.

BACKGROUND:

On June 13, 2006, the Board of County Commissioners approved changes to the Seminole County Towing and Transport of Vehicles Ordinance. The changes included Increasing the Class "A" daily storage fee from \$15.00 to \$20.00 and increasing the administrative fee from \$30.00 to \$35.00.

There is no material indirect economic impact, either negative or positive, from this ordinance.

Attached are the June 13, 2006 agenda package, the economic impact statement, and the proposed ordinance with changes.

Reviewed by: Co Atty: _____ DFS: _____ Other: _____ DCM:  _____ CM:  _____ File No. <u>PHASSS01</u>
--

ECONOMIC IMPACT STATEMENT

DATE: August 22, 2006 **DEPT./DIVISION:** Administrative Services

CONTACT PERSON: Angi Thompson **EXTENSION:** 5250

DESCRIBE PROJECT/PROPOSAL

This amendment proposes an increase to the maximum fee that can be charged for trespass and non consensual tow daily storage and administrative fees. Current fees have been in effect since 2005.

The adjustment is proposed due to the substantial increase in fuel and postage costs incurred by the providers since the implementation of the original ordinance.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT /PROPOSAL UPON THE OPERATION OF THE COUNTY

The direct impact upon the operations of the County relates to County Staff's assistance in the enforcement and implementation of the fee maximums.

DESCRIBE THE DIRECT ECONOMIC IMPACT OF THE PROJECT /PROPOSAL UPON THE PROPERTY OWNERS/TAX PAYERS/CITIZENS WHO ARE EXPECTED TO BE AFFECTED.

By setting maximum fee levels, this ordinance provides protection to property owners from excessive fees charged for towing services or for vehicle storage following a non-consensual or trespass tow.

IDENTIFY ANY POTENTIAL INDIRECT ECONOMIC IMPACTS, POSITIVE OR NEGATIVE WHICH MIGHT OCCUR AS A RESULT OF THE PROJECT PROPOSAL.

There is no material indirect economic impact, either negative or positive, from this ordinance.

AN ORDINANCE AMENDING SUBSECTION 3 OF SECTION 45.123, RATES, PART 4, SEMINOLE COUNTY TOWING ORDINANCE, OF CHAPTER 4, BUSINESS REGULATIONS, OF THE SEMINOLE COUNTY CODE, MAKING RATES EFFECTIVE IN SEMINOLE COUNTY, INCREASING THE MAXIMUM NON CONSENSUAL AND TRESPASS TOW DAILY STORAGE RATES, AND INCREASING THE STORAGE ADMINISTRATIVE FEE 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, in view of rising fuel costs, 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. Section 3, Rates, is hereby amended to read:

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 Seminole County shall be as follows:

(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)	\$112.00
Non Consensual Tow	\$112.00
Non Consensual Tow, per mile over initial ten (10) 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 <u>\$20.00</u>

(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 ten (10) 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 ten (10) 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 ten (10) 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 Non Consensual 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)~~ thirty-five dollars (\$35.00) 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 2. Codification. The provisions of this Ordinance shall become and be made a part of the Seminole County Code and that 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 2, 3 and 4 shall not be codified.

Section 3. Severability. 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 4. Effective date. This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this ____ day of _____, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

CARLTON HENLEY, Chairman

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Seminole County Towing and Transport of Vehicles Ordinance

DEPARTMENT: Administrative Services **DIVISION:** _____

AUTHORIZED BY: Speed Thomas **CONTACT:** Angi Thompson **EXT.** 5277

Agenda Date <u>06/13/06</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Staff is seeking direction on increasing the maximum allowable fees in the Seminole County Towing and Transport of Vehicles Ordinance. If the Board approves increase, staff requests approval to have County Attorney's office prepare the ordinance and advertise for hearing.

BACKGROUND:

On May 24, 2005, the Board adopted Ordinance #2005-25, changing the maximum trespass and nonconsensual tow rates and the rate per mile charge. The Board directed staff to review the rates in six months.

Based on the March 2006 CPI, there has been a 16.2% increase in fuel costs since May 2005. Staff anticipates an increase of up to 26% by June. A copy of the CPI is attached. No increase in trespass and nonconsensual tow rates is recommended at this time as the County's rates are higher than the surrounding counties. However, Seminole County's Class "A" storage fees are lower than those of the surrounding counties (see attached comparison). Staff recommends increasing the Class "A" storage fee to \$20.00. Seminole County's administrative fee of \$30.00 is lower than the \$35.00 average; staff recommends an increase in the administrative charge to \$35.00. This increase will help the towing companies offset increases in postage.

Reviewed by:
Co Atty: _____
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. _____



U.S. Department of Labor
Bureau of Labor Statistics

Bureau of Labor Statistics Data



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include graphs **NEW!**

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Data extracted on: April 25, 2006 (11:27:53 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	
2005	1.959	1.986	2.148	2.265	2.210	2.269	2.360	2.443	2.804	3.224	2.725	2.498	
2006	2.530	2.498	2.567	~3.00									

Handwritten notes:
 ~3.00
 26%
 16.2%

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U.S. Bureau of Labor Statistics
 Postal Square Building
 2 Massachusetts Ave., NE
 Washington, DC 20212-0001

Phone: (202) 691-5200
 Fax-on-demand: (202) 691-6325
 Data questions: blsdata_staff@bls.gov
 Technical (web) questions: webmaster@bls.gov
 Other comments: feedback@bls.gov

Towing Matrix
By County - Oct 05

County	Brevard	Lake	Orange	Osceola	Seminole	Volusia
Contact	Bobby Bowen	Toni (Clerk's office)	Kathleen	Teena Jenkins	Meloney Lung	Pam
Telephone #	321-633-2086	1-352-343-9827	407-836-7300	1-407-343-2300	407-665-5256	1-386-736-5920
As Of	Resolution 2005-049 March 2005	n/a	Resolution 2001-M-49 October 2001	Resolution 03-019R February 2003	Ordinance 2005-25 May 2005	Ordinance 2002-20 October 2002
Car Tow Class "A" ≤10,000 lbs.	\$104.55 plus after 10 miles/\$2.87	n/a	\$110.00 plus after 10 miles/\$3.00	\$110.00	\$112.00 plus after 10 miles/\$3.00	\$100.00 plus after 10 miles/\$3.00
Truck Tow Class "B" 10,000 - 20,000 lbs.	\$182.78 plus after 10 miles/\$3.65	n/a	\$200.00 plus after 10 miles/\$4.00	\$200.00	\$224.00 plus after 10 miles/\$4.00	\$200.00 plus after 10 miles/\$4.00
Storage Per Day Class "A" Outside/Inside	\$20.88/\$26.12 after 6 hours	n/a	\$20.00	\$20.00	\$15.00	\$20.00/\$25.00
Storage Per Day Class "B" Outside/Inside	\$29.24/\$31.33 after 6 hours	n/a	\$30	\$30.00	\$30.00	\$25.00/\$30.00
Admin Charge	\$30.00	n/a	\$35.00 after 48 hours	\$45.00 after 48 hours	\$30.00 after 48 hours	actual after 48 hours
After Hours Release	\$50	n/a		\$50.00		\$25.00
Labor	over 30 minutes; must be approved by officer onsite	n/a	over 30 minutes; \$15.00 - \$50.00 per 15 minutes	over 30 minutes; \$15.00 - \$50.00 per 15 minutes	over 30 minutes; \$15.00 - \$30.00 per 15 minutes	over 30 minutes; \$25.00 - \$50.00 per 15 minutes
Fuel Surcharge		n/a				
Wait Fee	allowed, but not set	n/a	over 30 minutes; \$15.00 - \$50.00 per 15 minutes	over 30 minutes; \$15.00 - \$50.00 per 15 minutes	over 30 minutes; \$15.00 - \$30.00 per 15 minutes	over 30 minutes; \$25.00 - \$50.00 per 15 minutes
Increase?	3% or CPI annually, whichever is lower	n/a	by resolution of the board			by resolution of the Board

Towing Matrix
 May - Oct comparison

County	Storage Per Day Class "A"		Difference	% increase	Storage Per Day Class "B"		Difference	% increase
	May	Oct			May	Oct		
Brevard	\$ 20.88	\$ 20.88	\$ -	0%	\$ 29.24	\$ 29.24	\$ -	0%
Lake	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Orange	\$ 20.00	\$ 20.00	\$ -	0%	\$ 30.00	\$ 30.00	\$ -	0%
Osceola	\$ 20.00	\$ 20.00	\$ -	0%	\$ 30.00	\$ 30.00	\$ -	0%
Volusia	\$ 20.00	\$ 20.00	\$ -	0%	\$ 25.00	\$ 25.00	\$ -	0%

CORTES TOWING SERVICE

245 Orange Ave.

Longwood, Florida 32750

(407) 339-3339

October 4, 2005

To: Seminole County Administration
Attn: Jamie Croteau
1101 East First St.
Sanford, Fl. 32771

From: Robert Cortes
Cortes Towing Service

Re: County Ordinance #2000-19

Dear Mrs. Croteau,

This purpose of this letter is to thank your office for your attention and support on the above-mentioned ordinance. At the Board Meeting dated May 24, 2005, the County Commissioners agreed to move forward with our request for an increase. In addition, the Board moved to revisit this ordinance in six months to view the current fuel trend and the status of the City of Orlando towing ordinance. Since then, the City of Orlando did pass the new ordinance at its City Council meeting dated July 25, 2005. I am attaching a copy of this ordinance with this letter. The changes include an increase in daily storage charges to \$20.00 per day. The administrative charge increased from \$30.00 to \$50.00.

As for the current fuel situation, in your December research, diesel fuel was at \$2.01 per gallon. The latest Department of Energy "Weekly on Retail Diesel Fuel" prices, diesel fuel is at \$3.283 per gallon as of October 3. You can view this information at this website (<http://tonto.eia.doe.gov/oog/info/wohdp/diesel.asp>). I enclose a copy of this page. The trend and expectations indicate no relief in site. Diesel fuel is predicted to continue rising at an astronomical rate.

Our original requests was to increase the tow rate to \$120.00 per vehicle, storage per day at \$20.00 and administrative fee at \$50.00, so as the tow company has met the requirements of Fla. Sta. 713.78. In May, we received approval for a tow rate increase to \$112.00 and mileage drop from 15 miles to 10. The rate increase has helped. However, current fuel and other products continue to rise.

In our original request to the Board of County Commissioners, we also requested an increase in storage from the current \$15.00 per day to \$20.00. The storage charge is to cover our costs associated with storing vehicles in our property. With this charge, we cover the cost of mortgage or for some companies who do not own the property, leasing of a storage lot and office. These cost are, but not limited to, mortgage or lease, maintenance of property and office, liability insurance, taxes, power, utilities and others.

For example, in our case we pay an occupational license for towing and a separate occupational license for the storage lot. As is the case with everything we do, our costs associated with having a storage lot has also increased dramatically over the past 5 years. Yet our rate for storing these vehicles has remained the same under the current ordinance. The surrounding counties have been at \$20.00 per day.

The administrative charge allowed by this ordinance of \$30.00 is to cover the expenses of complying with this statute, and imposed back in April 2000 when the postal rates were about \$2.42 per letter. The costs of mailing these letters are currently \$4.42 per letter with some vehicles having four letters to mail. The United States Postal Service is raising their current rates 5.4% in January 2006 as expressed on this website (<http://www.usps.com/ratecase/welcome.htm>). In addition, some of us use Tag Talk by the county tax collectors office and some use a private vendor called Auto Data Direct for owner and lienholder information lookup. We also pay a premium for these services. To these expenses, add the cost of paper, ink, envelopes, copies and time spent on a daily basis by our personnel completing these forms. The current ordinance allows a charge of \$30.00 after 48 hours and so long as the Statute has been complied with. In essence, we are not looking to make a profit off this administrative fee, but only to cover our cost associated with complying with Florida Statute 713.78 and keeping up with constant increases beyond our control. In comparison with the surrounding counties, we are less than Orange, Polk and Volusia Counties. We are the same as Brevard County.

I respectfully request a meeting with you to discuss these items prior to the final recommendation to the Board of County Commissioners. We would like the opportunity to work a compromise in our original request for increase and find a happy medium we can live with and withstand any future increase our industry will face.

Thank you again for your attention and look forward to meeting with you in the future.

Regards

Robert Cortes
Cortes Towing Service



Escrow Rate Case

▶ Proposed Domestic Rates and Fees

▶ International Price Adjustment
Proposed

▶ Proposed Domestic Rates and Fees

On April 8, 2005, the Postal Service™ filed a rate case with the Postal Rate Commission seeking an expedited recommended decision to raise prices 5.4 percent for almost all categories.

This filing is unique in that the decision to seek a rate increase is due to the Postal Service's legal obligation to fund the \$3.1 billion escrow requirement imposed by Public Law (PL) 108-18. Should legislation be enacted that eliminates the escrow funding requirement, this rate case will be withdrawn.

The proposal calls for an almost uniform 5.4 percent rate and fee increase spread over all classes and subclasses of mail and special services. The postage for a one-ounce piece of First-Class Mail® would go from 37 to 39 cents. No classification-related changes are proposed.

If favorably recommended by the Postal Rate Commission, new rates would be implemented no earlier than January 2006.

Home > Petroleum > Weekly Retail On-Highway Diesel Prices

Weekly Retail On-Highway Diesel Prices

Dollars per gallon, including all taxes

	9/19/2005	9/26/2005	10/3/2005	Change from week ago	Change from year ago
U.S.	2.732	2.798	3.144	0.346	1.091
East Coast	2.749	2.808	3.198	0.390	1.140
New England	2.804	2.859	3.012	0.153	0.857
Central Atlantic	2.846	2.875	3.040	0.165	0.896
Lower Atlantic	2.702	2.675	3.283	0.508	1.270
Midwest	2.648	2.739	3.083	0.344	1.064
Gulf Coast	2.677	2.756	3.185	0.429	1.185
Rocky Mountain	2.902	2.938	3.079	0.141	1.014
West Coast	2.985	2.978	3.174	0.196	0.936
California	3.060	3.031	3.262	0.231	0.972

Prices for Last Weeks (html)
 Spreadsheet o
 Complete Dies
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 Diesel Fuel Tax
 States in each
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AN ORDINANCE AMENDING CHAPTER 39, ARTICLE IX, (TOWING OF VEHICLES), OF THE CODE OF THE CITY OF ORLANDO BY AMENDING SECTIONS 39.84, 39.85, 39.86, 39.87, 39.88, 39.89, 39.90, AND 39.91, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION ONE: Chapter 39, Article IX, of the Code of the City of Orlando be, and the same is hereby, amended to read as follows:

Sec. 39.84. Definitions.

(1) "City" as used herein shall refer to the city limits of the City of Orlando.

(2) "Property Owner" shall mean that person who exercises dominion and control over the 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 An owner/operator or other agent or employee of a Towing Service may not be appointed as an agent for a property owner.

(3) "Tow" shall mean to haul, carry, pull along, or otherwise transport or remove a motor fully connected vehicle by means of another vehicle and applies only to private property tows as defined in this chapter.

(4) "Towing Service" shall include any person, company, corporation, or other entity whether licensed or not, who engages in or who owns or operates a business which engages, in whole or in part, in the towing or removal of motor vehicles for compensation from private property and does not apply to repossessions, or to the towing or removal of any privately

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2. Any person engaged in the business of towing or removing of vehicles shall comply with all the requirements and standards imposed by Florida Statute §715.07 and Chapter 39, Article 9 of the Orlando City Code where applicable.

3. Every person, company, corporation, or other entity who engages in towing or removing vehicles for profit within the city of Orlando must obtain an occupational license issued by the City.

~~No towing Service shall tow or otherwise transport a vehicle for compensation when the point of origin of the tow or transportation is within the jurisdictional limits of City of Orlando without complying with the requirements of Florida Statutes chs. chapters 713 and 715, and the provisions of this chapter, where applicable.~~

Sec. 39.86. Prerequisites to Trespass Private Property Towing from Private Property.

(1) Prior to the trespass private property towing of any vehicle, the property owner of the real property and the Ttowing Sservice shall have executed a written agreement which shall at a minimum contain the following provisions:

- (a) The name, and physical address, and telephone number of the towing service and the property owner requesting the towing services;
- (b) The location and description of the property from which the vehicle(s) will be towed;
- (c) The duration of the agreement. Any such agreement with a duration period longer than one year or in the absence of a termination date, shall expire one year to the date it was signed by the property representative;
- (d) The time of day that such towing is authorized;
- (e) The days of the week that such towing is authorized.
- (f) The frequency that such towing is authorized;

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or modified, a new written agreement meeting the requirements of this section must be filed at Orlando Police Headquarters prior to any private property towing from the subject property. The Towing Service shall be responsible for advising the Orlando Police Department within two (2) business days of any changes, amendments, or modifications to, or rescissions of, these agreements. It shall be unlawful for any towing service to engage in private property towing until the towing service has filed a completed and executed agreement at Orlando Police Headquarters.

~~(3) No Towing Service shall tow a vehicle~~ It shall be unlawful for any towing service to tow or drop tow a vehicle located within the city of Orlando unless the Towing Service shall file and keep on record with the at the Orlando Police Department Headquarters a complete copy of the current rates charged for the towing and storage of towed vehicles.

~~(4) No Towing Service shall pay or rebate money, or solicit or offer the payment or rebate of money or other valuable consideration, to property owners for the right to engage in trespass towing from any property.~~ It shall be unlawful for any business owner or a towing service employee to solicit, offer, pay or receive a rebate, money, or other valuable consideration from tows performed by the towing service. Violations of this provision shall at a minimum result in a \$250.00 fine to both the business owner and the towing service.

~~(5) Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable for unauthorized vehicles and subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle from private property~~

DRAFT

(6) The property owner shall keep signs clean of mildew and vegetation and in good repair.

(7) A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking For Current Customers Only. Unauthorized Vehicles Will Be Towed Away At The Owner's Expense" and the words "Strictly Enforced" in not less than 4-inch high, light-reflective letters on a contrasting background.

(8) It shall be unlawful for any towing service owner or operator to knowingly engage in towing on private property where the notice or sign structure requirements are not in compliance with this section.

(9) A business owner, lessee, or agent may authorize the removal of a vehicle by a towing company when the vehicle is parked in such a manner that it restricts the normal operation of business; and if a vehicle parked on a public right-of-way obstructs access to a private driveway, the owner, lessee, or agent may have the vehicle removed by a towing company upon signing an order that the vehicle be removed without a posted tow-away zone sign. It shall be unlawful for the towing company to remove the vehicle without such order.

(10) It shall be unlawful for any owner, manager, employee, or agent of a towing service, while engaged in towing or storing of vehicles, to wear a law enforcement uniform or other indication or logo of law enforcement affiliation.

(511) Any Towing Sservice operating within the city of Orlando shall, within thirty (30) minutes of the completion of any trespass private property tow, notify the Orlando Police Department of the towing; the address of the storage site where the vehicle was towed; the location or address from which the vehicle was towed; the time the vehicle was towed or

and/or at the storage facility prior to payment. Specifically, upon request, any person who states they were in possession of the vehicle prior to its being towed and they are in possession of the car key, shall be permitted to a reasonable time, up to 5 minutes, to retrieve items such as, but not limited to, a purse, phone, car seat, medicine, and vehicle registration. It shall be unlawful to charge a fee for such retrieval, or to refuse to allow the retrieval of personal property.

(716) Each Towing Service shall staff or monitor its telephone at all times 24 hours a day, seven days a week, including holidays, and immediately advise any vehicle owner, operator, custodian, agent or other legally authorized person or authorized representative who calls by telephone prior to arriving at the storage site of the following:

- (a) Each and every document or other item which must be produced to retrieve the vehicle;
- (b) The exact charges as of the time of the telephone call, and the rate at which charges will accumulate thereafter;
- (c) The acceptable methods of payment includes either cash, money order, or a valid major debit card; and
- (d) That the vehicle can be picked up within one hour of request; and

~~(8) Towing Services shall provide a written bill at the request of the owner or operator of a vehicle detailing the charges to date.~~

(17) The towing service shall release the towed vehicle upon request of the owner, custodian, agent or other legally authorized person within one hour after the request. The owner, custodian, agent, or other legally authorized person must tender payment prior to the

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(g) The description of the services rendered including an itemized list of all charges; and

(h) The date and time the vehicle was returned to the owner, custodian, agent or other legally authorized person and the identity name, address, and driver license number of that such owner, custodian, agent or other legally authorized person.

(i) A consumer rights guideline signed by the owner, custodian, agent, or other legally authorized person indicating receipt of such form. This signed guideline shall be maintained as part of the tow sheet documentation.

(120) All Towing Sservices shall keep all such tow data sheets and receipts on file for a period of ~~three (3)~~ two (2) years from the date of the tow or drop tow and shall make them available for inspection and/or copying to any law enforcement officer or code enforcement officer during normal business hours.

(121) No Towing Sservice shall tow a vehicle when there is either a natural person or a live animal is occupying the vehicle.

(22) At a minimum, acceptable methods of payment shall include cash, money order, or a valid major credit or debit card.

(23) Any vehicle owner, custodian, or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle owner, custodian, or agent as a condition of release of the vehicle to its owner.

(24) The towing company must provide a copy of the following Consumer Rights Guidelines to each vehicle owner, operator, custodian, or agent:

If the vehicle is connected to a tow truck but has not yet moved:

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- Rates and tow service regulated by: Chapter 39, Orlando City Code, and Section 715.07, Florida Statutes.
- Tow service owner/employees may not wear a law enforcement uniform or indication or logo of law enforcement affiliation.
- Signs must state if the lot is a tow away zone, strictly enforced 24-hours-per-day.
- Consumer Complaints: Contact the Orlando Police Department at (407) 246-2470 and ask for the Patrol Bureau Aide or if after regular business hours, the Watch Commander.

Sec. 39.87. Exemptions.

This Article shall not apply to the towing of a vehicle which occurs:

- (1) at the direction of a law enforcement officer, community service officer, code enforcement officer, or parking specialist of the City of Orlando pursuant to an agreement between the City and a towing service, or
- (2) with the consent of the vehicle's owner or operator, or
- (3) if the vehicle is a law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicle, or
- (4) at property owned by any governmental entity.

Sec. 39.88. Drop Tow - Return of Owner Prior to Tow.

~~No Towing Service operating within the City shall tow a vehicle or charge for its services where the registered or other legally authorized person in control of the vehicle arrives at the scene prior to the towing, unless:~~ If the owner or other legally authorized person in control of the vehicle arrives at the scene prior to the removal or towing and the vehicle is connected in

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including 10,000 pounds.....\$100.00

Maximum daily storage (after 24 hours)..... 1520.00

(b) Class B Vehicles:

Towing of vehicles with a gross vehicle weight of more than
10,000 pounds and up to and including 19,500 pounds 200.00

Maximum daily storage (after 24 hours)..... 30.00

(c) Class C Vehicles:

Towing of vehicles with a gross vehicle weight of more than
19,500 and up to and including 50,000 pounds (which are
upright and in a towable condition)..... 300.00

Maximum daily storage (after 24 hours)..... 60.00

(d) Class D Vehicles:

Towing of vehicles with a gross vehicle weight of more than
50,000 pounds..... 400.00

Maximum daily storage (after 24 hours)..... 60.00

(2) The maximum rates established in paragraph (1) above shall be a flat fee which shall be all inclusive and, ~~by way of illustration,~~ no additional charges shall be ~~made~~ imposed for:

(a) Any fees for special equipment or services such as 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, airing up brakes, mileage, fuel, or for copying the vehicle registration or other documents;

(b) Time spent at the scene of the tow;

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“Towing is regulated by Chapter 39, Orlando City Code and Sec. 715.07, Fla. Stat., copies of which are available by the towing service at this location upon request.” It shall be unlawful for any towing service to engage in private property towing within the City unless the above notices are prominently posted, and clearly legible, at the point of payment at the storage site.

Sec. 39.90. Revocation of License.

If a Towing Sservice, its owner, operator, driver, or representative, is convicted, found guilty or enters a plea of no contest, or found by the City to be in violation of three or more violations of the provisions of the towing regulations listed herein such that the Towing Service’s continued operation within the city of Orlando is found to be contrary to public policy or the welfare of the City, within three years or less of the first finding of violation, the Towing Sservice’s occupational license may be revoked by the City’s Director of Finance, and tThe Towing Sservice shall have a right to appeal said decision as provided in Section 36.12 of the City Code. Any towing service owner or operator whose occupational license has been revoked shall not be eligible to receive an occupational license for towing for a period of one year from the date of the revocation. It shall be unlawful for an existing towing service to change the name of the business or corporate entity to obtain a new or additional occupational license for the purpose of circumventing the intent of this section. Any such determination by the City’s Director of Finance shall constitute a violation of this section.

Sec. 39.91. Misrepresentation or Falsifying Tow Data Sheets, Receipts, or Rates. It is unlawful for any person or towing service to misrepresent, misstate, or falsify information on a tow data sheet, consumer guideline form, receipt, or bill issued pursuant to this chapter or rates for towing, drop tows, or storage of vehicles pursuant to this chapter.

Sec. 39.912. Penalties.

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APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Orlando, Florida, only.

_____, 2005.

City Attorney
Orlando, Florida

h/George
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