

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM # 9b1**

SUBJECT: Consideration of an Ordinance Amendment to Flagler County Code of Ordinances, Chapter 20 Article VI, Entitled: "Towing, Immobilization, and Removal and Storage of Vehicles".

DATE OF MEETING: November 20, 2017

OVERVIEW/SUMMARY: Staff is seeking approval to amend the ordinance for towing, immobilization, and removal and storage of vehicles. The current ordinance was adopted over 6 years ago in 2011. The proposed amendment is being made after receiving complaints related to a licensed tow business reportedly over-charging customers and discovering gaps in our current ordinance language (Attachment 1). The proposed ordinance changes include, but are not limited to:

- Grounds for removal or suspension from towing service Rotation list.
- Provisions for local rotation towing.
- Penalties for violations.
- Enforcement for lack of reputability of a wrecker, i.e., convicted felon and responding under the influence.
- Authorization for Sheriff to establish rotation towing rules and regulation.
- Clarifying language to prevent overbilling.

Florida Administrative Code, Chapter 15B-9 (Attachment 3), provides for denial of inclusion, on removal or suspensions from the approved rotation list by the Florida Highway Patrol for tows requested by the agency. This amendment provides Flagler County the same ability for tows requested by the Sheriff's Office.

In order to be thorough in the recommendations being brought forward, staff has done extensive outreach and research. Staff met with the local tow companies (2 out of 3 participated), as well as, provided them with the draft for input. Staff also solicited input the Flagler County Sheriff and the Florida Highway Patrol and researching the state process and those of other counties in the region.

Current staff will be used in the implementation of the ordinance amendment.

FUNDING INFORMATION: N/A

DEPT., CONTACT, PHONE: County Administration /Craig Coffey / 386-313-4001

RECOMMENDATION: Request the Board approve the ordinance amending Section Sec. 20-345-348, Towing, Immobilization, and Removal and Storage of Vehicles.

ATTACHMENTS:

1. Ordinance
2. Current Ordinance with Amendment
3. Florida Administrative Code 15B-9
4. Legal Ad



Sally A. Sherman, Deputy County Administrator

11/13/17

Date

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING CHAPTER 20, ARTICLE VI OF THE FLAGLER COUNTY CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA RELATING TO TOWING OF VEHICLES; PROVIDING FOR FINDINGS; REPEALING AND AMENDING SECTIONS 20-345 – 20-349 RESERVED; PROVIDING FOR SECTION 20-345 GROUNDS FOR REMOVAL OR SUSPENSION FROM TOWING SERVICES ROTATION LIST; PROVIDING FOR SECTION 20-346 PENALTIES; PROVIDING FOR SECTION 20-347 ENFORCEMENT; PROVIDING FOR SECTION 20-348 ROTATION TOWING RULES AND REGULATIONS, AUTHORIZATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 125.0103(1)(c) and 166.043(1)(c), Florida Statutes, mandates that the Board of County Commissioners enact regulations establishing maximum rates for the towing of vehicles; and

WHEREAS, Section 715.07(2)(b), Florida Statutes, empowers the Board of County Commissioners to enact regulations pertaining to the towing industry that supplement the requirements of Florida Statutes, including the establishment of towing rates when vehicles are removed from private property; and

WHEREAS, several individuals and firms in Flagler County engage in the business of recovering, towing and storing of motor vehicles and vessels; and

WHEREAS, this Ordinance establishes eligibility criteria as well as grounds for suspension or removal from the County's towing service rotation list in order to protect the public and ensure the professionalism and quality of service from towing operators; and

WHEREAS, the Flagler County Board of County Commissioners has determined that it is in the best interest of the public health, safety and welfare of the citizens to hereby amend Flagler County Code Chapter 20, Sections 20-345 – 20-348, as adopted by Ordinance; and

WHEREAS, public notice of this Ordinance has been provided in accordance with Section 125.66. Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. FINDINGS.

The above recitals are incorporated herein as Findings of Fact.

SECTION A. CODE AMENDMENT

The Flagler County Code of Ordinances, Article VI, Towing, Immobilization, Removal and Storage of Vehicles, Chapter 20, Sections 20-345 – 20-348, are hereby amended as shown in Section 2 herein. This Article is amended pursuant to the authority vested in the Board of County Commissioners by Chapters 125 and 162, Florida Statutes, and through the powers granted to the County as a political subdivision of the State of Florida through Article VIII of the Constitution of the State of Florida. (Additions are shown in double underline format in Section 2 below, and deletions are shown as strikethrough format.)

SECTION 2. Sections 20-345 – 20-349 of Article VI, Chapter 20 of the Flagler County Code of Ordinances entitled, "Towing, Immobilization, Removal and Storage of Vehicles," are hereby repealed and amended as follows:

Sec. 20-345.—20-349. Reserved. — - Grounds for Removal or Suspension from Towing Services Rotation List.

Any towing company wishing to be placed on the Flagler County Sheriff's Office towing rotation list must meet all of the requirements of the Florida Highway Patrol (FHP) Wrecker Qualification and Allocation System and be on the FHP wrecker rotation list.

- (1) For non-FHP tows within Flagler County, violation of any provision of the requirements of this Article by a wrecker operator shall be grounds for removal or suspension from the rotation list for local tows.
- (2) Violations of the following offenses shall result in penalties as provided in Sec. 20-346:
 - (a) Any charge, demand, or request by a wrecker operator of a rate which exceeds the maximum rate established by the County.
 - (b) Chasing or running wrecks without a proper call from the Flagler County Dispatch.
 - (c) Cruising or parking upon the streets of the County in search of vehicles to tow or for the purpose of soliciting business.
 - (d) Failure to answer a call three (3) times within a calendar month.

- (e) Inability to properly operate the tow truck in the removal of a disabled vehicle or to remove a vehicle without causing additional damage.

Sec. 20-346. - Penalties.

- (1) Any violation of the provisions of this Article shall result in a letter of warning from Flagler County Code Enforcement for the first offense. A second offense within three (3) years shall result in a thirty (30) day suspension of the towing service from the rotation list. A third offense within five (5) years shall result in permanent removal from the rotation list.
 - (a) Upon receipt of notification of removal from the list, the appellant may, within ten (10) days submit a written request for a hearing to be held before the Flagler County Administrator or his/her designee. The receipt of such request shall stay the removal from the rotation list pending final disposition unless the County Administrator or his/her designee determines that it would endanger public safety to allow the appellant to continue operation.
 - (b) The County shall reinstate to the rotation list the removed operator upon written application after the period of removal has elapsed and after the Flagler County Administrator or his/her designee has determined such operator is in compliance with this article.
- (2) Notwithstanding subsection (1) above, lack of reputability of a wrecker operator shall result in indefinite removal of the towing service from the rotation wrecker list within the County. For the purpose of this requirement, lack of reputability shall mean that the County cannot trust the wrecker operator to safeguard the welfare and property of the public. Lack of reputability shall include, but not be limited to, the following:
 - (a) Conviction of any felony without restoration of the person's civil rights.
 - (b) Conviction of any felony or first degree misdemeanor directly related to the business of operating a wrecker, regardless of whether civil rights have been restored. For the purpose of this requirement, any offense involving perjury or false statement shall be considered to be directly related to the business of operating a wrecker.
 - (c) Engaging, as established by probable cause, in any conduct as a part of the performance of any contract for service that constitutes a deceptive and unfair trade practice, fraud, or theft crime.

- (d) Aiding or abetting a person who has not obtained a license to evade or avoid the regulations provided herein.
- (e) Responding to a call while under the influence of alcohol or any controlled substance or chemical substance.
- (3) Notwithstanding subsection (1) above, removal of a wrecked, disabled or abandoned vehicle without investigation or clearance by a proper law enforcement agency shall result in an immediate thirty (30) day suspension of the towing service from the wrecker rotation list for a first offense and permanent removal for a second offense within three (3) years.
- (4) If any violation of these regulations is deemed by the Flagler County Administrator or his/her designee to be of such an emergency nature as to endanger public safety, the Flagler County Code Enforcement shall immediately remove the towing service from the wrecker rotation list.
- (5) In addition to the sanctions contained herein, Flagler County may take any other appropriate legal action, including, but not limited to, seeking cease and desist orders, other administrative actions, and requests for temporary and permanent injunctions to enforce the provisions of the regulations provided herein.

Sec. 20-347. - Enforcement.

Except as otherwise specified herein, this Article shall be implemented and enforced in accordance with Section 162.21, Florida Statutes, or any successor law. For that purpose, violation of this Article is deemed to be an irreparable or irreversible violation punishable by the civil penalties herein and is subject to immediate citation.

Sec. 20-348. - Rotation towing rules and regulations; authorization.

The Flagler County Sheriff is authorized to promulgate rules and regulations for the administration of rotation towing.

SECTION 3. REPEAL OF LAWS IN CONFLICT.

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS.

- A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered and relettered to conform to the uniform numbering system of the Code. Only Section 2 of this Ordinance shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended Section 2 herein shall remain unchanged by this Ordinance.
- B. Scrivener's errors may be corrected as deemed necessary.

SECTION 5. SEVERABILITY.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 20TH DAY OF NOVEMBER 2017.

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**

Nate McLaughlin, Chair

ATTEST:

APPROVED AS TO FORM:

Tom Bexley, Clerk of the Circuit
Court and Comptroller

Al Hadeed, County Attorney

FLAGLER COUNTY CODE OF ORDINANCE

ARTICLE VI. - TOWING, IMMOBILIZATION, REMOVAL AND STORAGE OF VEHICLES

(Current Code)

Sec. 20-341. - Definitions.

When used in this article, the following terms shall have the following meanings:

Immobilization shall mean the installation of a boot or similar device on a vehicle on private property for the purpose of making it unmovable. ;

Flagler County shall mean the entire land area of Flagler County, Florida, except for the land area of any municipality that has set maximum towing fees in accordance with F.S. § 125.0103.

Nonconsensual tow shall mean 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, as authorized by F.S. § 125.0103.

Trespass tow shall mean towing or removal of a vehicle from private property without the consent of the vehicle's owner or operator, as authorized by F.S. § 715.07.

Vehicle shall mean any mobile item which normally uses wheels, whether motorized or not.

Sec. 20-342. - Establishment of rates.

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 boundaries of Flagler County shall be as follows:

- (1) CLASS A VEHICLES (gross vehicle weight less than ten thousand (10,000) pounds or a vehicle carrying a vessel fifteen (15) feet or less in length) as adopted by resolution.
- (2) CLASS B VEHICLES (gross vehicle weight more than ten thousand (10,000) pounds but less than nineteen thousand five hundred (19,500) pounds or a vehicle carrying a vessel more than fifteen (15) feet but less than twenty-two (22) feet in length) as adopted by resolution.
- (3) CLASS C VEHICLES (gross vehicle weight more than nineteen thousand five hundred (19,500) pounds but less than twenty-five thousand (25,000) pounds or a vehicle carrying a vessel more than twenty-two (22) feet in length) as adopted by resolution.
- (4) CLASS D VEHICLES (gross vehicle weight more than twenty-five thousand (25,000) pounds) as adopted by resolution.

Sec. 20-343. - Additional fees.

- (a) An additional daily storage fee, as set forth by resolution, may be charged for any vessel, trailer or other mobile item, whether motorized or not, which is mounted on wheels and attached to a towed vehicle.
- (b) Cost to provide statutory notice for liens pertaining to towed or removed vehicles, as provided by F.S. § 713.585, or other statutory authority, may be added to the rates established by resolution. Any such additional costs pertaining to statutory notice (including certified mail, newspaper advertising, record searches) shall be limited as adopted by resolution for any particular vehicle tow or removal.
- (c) In any instance of nonconsensual tow where a towing services provider is requested by law enforcement to remove a vehicle from an accident scene or to remove a vehicle that is incapacitated, and such vehicle or such location is of a physical character to cause physical damage to the towing equipment, the operator shall be entitled to at-cost compensation for any towing equipment damage directly and solely caused by towing of such vehicle. This entitlement shall only be effective if the towing service has used reasonable care in towing or attempting to tow the subject vehicle.
- (d) Separate charges may be established and collected as adopted by resolution.

Sec. 20-344. - Liability for towing costs.

In accordance with F.S. § 715.07, the owner or lessee of real property, or any person authorized by the owner or lessee, may cause any vehicle parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles, without liability for the cost of removal, transportation, or storage, or damages caused by such removal, transportation, or storage, when the provisions of F.S. § 715.07, are met.

~~Secs. 20-345—20-349. Reserved.~~

(Proposed Amendment- Adding the following)

Sec. 20-345.—20-349. Reserved. — - Grounds for Removal or Suspension from Towing Services Rotation List.

Any towing company wishing to be placed on the Flagler County Sheriff's Office towing rotation list must meet all of the requirements of the Florida Highway Patrol (FHP) Wrecker Qualification and Allocation System and be on the FHP wrecker rotation list.

For non-FHP tows within Flagler County, violation of any provision of the requirements of this Article by a wrecker operator shall be grounds for removal or suspension from the rotation list for local tows.

- (1) Violations of the following offenses shall result in penalties as provided in Sec. 20-346:
- (a) Any charge, demand, or request by a wrecker operator of a rate which exceeds the maximum rate established by the County.
 - (b) Chasing or running wrecks without a proper call from the Flagler County Dispatch.
 - (c) Cruising or parking upon the streets of the County in search of vehicles to tow or for the purpose of soliciting business.
 - (d) Failure to answer a call three (3) times within a calendar month.
 - (e) Inability to properly operate the tow truck in the removal of a disabled vehicle or to remove a vehicle without causing additional damage.

Sec. 20-346. - Penalties.

- (1) Any violation of the provisions of this Article shall result in a letter of warning from Flagler County Code Enforcement for the first offense. A second offense within three (3) years shall result in a thirty (30) day suspension of the towing service from the rotation list. A third offense within five (5) years shall result in permanent removal from the rotation list.
- (a) Upon receipt of notification of removal from the list, the appellant may, within ten (10) days submit a written request for a hearing to be held before the Flagler County Administrator or his/her designee. The receipt of such request shall stay the removal from the rotation list pending final disposition unless the County Administrator or his/her designee determines that it would endanger public safety to allow the appellant to continue operation.
 - (b) The County shall reinstate to the rotation list the removed operator upon written application after the period of removal has elapsed and after the Flagler County Administrator or his/her designee has determined such operator is in compliance with this article.
- (2) Notwithstanding subsection (1) above, Lack of reputability of a wrecker operator shall result in indefinite removal of the towing service from the rotation wrecker list within the County. For the purpose of this requirement, lack of reputability shall mean that the County cannot trust the wrecker operator to safeguard the welfare and property of the public. Lack of reputability shall include, but not be limited to, the following:

- (a) Conviction of any felony without restoration of the person's civil rights.
 - (b) Conviction of any felony or first degree misdemeanor directly related to the business of operating a wrecker, regardless of whether civil rights have been restored. For the purpose of this requirement, any offense involving perjury or false statement shall be considered to be directly related to the business of operating a wrecker.
 - (c) Engaging, as established by probable cause, in any conduct as a part of the performance of any contract for service that constitutes a deceptive and unfair trade practice, fraud, or theft crime.
 - (d) Aiding or abetting a person who has not obtained a license to evade or avoid the regulations provided herein.
 - (e) Responding to a call while under the influence of alcohol or any controlled substance or chemical substance.
- (3) Notwithstanding subsection (1) above, removal of a wrecked, disabled or abandoned vehicle without investigation or clearance by a proper law enforcement agency shall result in an immediate thirty (30) day suspension of the towing service from the wrecker rotation list for a first offense and permanent removal for a second offense within three (3) years.
- (4) If any violation of these regulations is deemed by the Flagler County Administrator or his/her designee to be of such an emergency nature as to endanger public safety, Flagler County Code Enforcement shall immediately remove the towing service from the wrecker rotation list.
- (5) In addition to the sanctions contained herein, Flagler County may take any other appropriate legal action, including, but not limited to, seeking cease and desist orders, other administrative actions, and requests for temporary and permanent injunctions to enforce the provisions of the regulations provided herein.

Sec. 20-347. - Enforcement.

This Article shall be implemented and enforced in accordance with Section 162.21, Florida Statutes, or any successor law. For that purpose, violation of this Article is deemed to be an irreparable or irreversible violation punishable by the civil penalties herein and is subject to immediate citation.

Sec. 20-348. - Rotation towing rules and regulations; authorization.

The Flagler County Sheriff is authorized to promulgate rules and regulations for the administration of rotation towing.

**CHAPTER 15B-9
WRECKER QUALIFICATIONS AND ALLOCATION SYSTEM**

15B-9.001	Scope and Purpose
15B-9.002	Definitions
15B-9.003	Call Allocation System
15B-9.004	Response to Calls
15B-9.005	Wrecker Classification and Required Equipment
15B-9.006	Wrecker Operator Requirements
15B-9.007	Grounds for Denial of Inclusion on, or Removal or Suspension from, Rotation List
15B-9.008	Procedure for Denial of Inclusion on, or Removal or Suspension from, Rotation List
15B-9.009	Wrecker Forms
15B-9.010	Maximum Rates for Towing and Storage
15B-9.011	Storage Facilities

15B-9.001 Scope and Purpose.

(1) These rules apply only to those wrecker operators who participate in the division's call allocation system established in this rule chapter.

(2) These rules are designed to assist private and commercial users of the highways of this State by insuring that only qualified, reputable wrecker operators and equipment are provided for removal of wrecked, disabled, stolen or abandoned motor vehicles in the event the owner or operator is incapacitated, unavailable or leaves the procurement of wrecker service to the discretion of the Highway Patrol trooper at the scene.

(3) These rules do not apply to a vehicle owner's request for utilization of a specific wrecker operator, whether or not such operator is qualified under these rules. In such event, the owner's request will be honored without resort to these rules unless there will be an unreasonable time delay or a traffic problem exists.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 1-22-86, Formerly 15B-9.01, Amended 10-15-92.

15B-9.002 Definitions.

(1) Abandoned Vehicle – An unattended vehicle which is directed by the Division to be removed because it is improperly parked in violation of Section 316.194, 316.1945 or 316.1951, F.S.

(2) Answering Service – A commercial enterprise, which pursuant to a contract or agreement, receives calls and relays messages to the wrecker service such that the calls are answered by persons other than the owner or an employee of the wrecker service.

(3) Commercially manufactured wrecker – A tow truck that is:

(a) Designed and constructed by a wrecker manufacturer which offers its wreckers for sale or

(b) Assembled by a business licensed and approved to assemble and certify wreckers according to manufacturer's specifications.

(4) The Division – The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(5) Failure to answer a call for service:

(a) Failure to answer the telephone when called by the duty officer, or

(b) Failure to arrive at the scene after accepting a call.

(6) Roll-back or slide-back carrier: A vehicle transporter, including trailer, designed to carry passenger cars, light trucks, small trailers, burned vehicles, sports cars, boats and other cargo without causing further damage. It shall consist of a flat bed-type body which hydraulically slides back on the frame until it reaches ground level to facilitate loading by use of a winch which is used to pull or slide the vehicle on the transporter.

(7) Solicitation – Conduct of an owner, employee or agent of a wrecker service which tempts, entices, suggests, offers services to, or makes requests of any persons regarding removal of a vehicle involved in an accident or a disabled vehicle without authority of the division.

(8) Wrecker Operator or Operator – The individual, partnership, corporation or business entity engaged for hire in the recovery, towing or removal of wrecked, disabled, stolen or abandoned motor vehicles. For the purpose of these rules, a hired driver or

employee shall be governed by these rules, and, unless otherwise stated, shall be considered an agent of the wrecker operator.

(9) Zone – An area designated by a troop commander, pursuant to Rule 15B-9.003, F.A.C.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History–New 1-22-86, Formerly 15B-9.02, Amended 10-15-92.

15B-9.003 Call Allocation System.

(1) Each Troop Commander shall divide his troop into zones with clearly defined boundaries for the purpose of establishing wrecker rotation lists. The Troop Commander's decision shall be reviewable by the Division Director or his designee.

(2) Each wrecker operator must make application to the division for inclusion on the wrecker rotation list.

(a) Each application for inclusion shall be completed, and signed, and shall be filed with the division. The application shall be made on HSMV form 60315.

(b) A division representative shall investigate each application. The investigation will include the following: background checks; criminal history checks; driver's license status/record checks; and inspection of the applicant's wrecker(s), equipment and facilities. The investigator will, at the conclusion of his investigation, report the findings and make a recommendation to the troop commander in writing. The troop commander will decide whether the wrecker operator is approved or denied inclusion on the wrecker rotation list according to Rules 15B-9.003, 15B-9.005, 15B-9.006, 15B-9.007 and 15B-9.011, F.A.C. The troop commander's decision may be reviewed by the division director or his designee.

(c) The Division shall deny the applicant's inclusion on the wrecker rotation list if the wrecker operator:

1. Fails to meet or comply with the provisions of these rules, or

2. Fails to maintain any local or state license required for the operation of a wrecker service.

(3) To be eligible for inclusion on the wrecker rotation list to tow in a particular zone, the wrecker operator's place of business must be located in that zone.

(a) An operator's place of business must have the following:

1. The business must have a sign that identifies it to the public as a wrecker establishment. The sign must be painted with letters of at least four (4) inches in height and placed so that it is clearly visible to the public.

2. The place of business must maintain office space.

3. The office must have personnel on duty from at least 8:00 a.m. to 5:00 p.m., Monday through Friday to answer calls from the duty officer and to serve the public. However, on the following holidays observed by state agencies, no personnel are required to be on duty at the office to serve the public: New Year's Day; Birthday of Martin Luther King, Jr., third Monday in January; Memorial Day; Independence Day; Labor Day; Veteran's Day, November 11; Thanksgiving Day, Friday after Thanksgiving; Christmas Day; if any of these holidays fall on Saturday, the preceding Friday shall be observed as the holiday; if any holiday falls on a Sunday, the following Monday shall be observed as the holiday.

4. The place of business must maintain a telephone communications system to answer calls from the duty officer or from the public, twenty-four hours a day.

5. The wrecker operator must maintain at least one tow truck and one qualified driver for the place of business.

(b) Any tow truck(s) operating within the zone shall have the zone address, telephone number and other information on the side of the truck clearly visible to the public as provided in subparagraph 15B-9.005(7)(a)5., F.A.C.

(c) If there is not a qualified operator in a particular zone, the Division director or his designee may designate qualified out-of-zone wrecker operators to be called in that zone.

(4) Wrecker operators located within a zone, as defined herein, shall be called by the Division for the removal of a wrecked, disabled, stolen or abandoned vehicle by the division according to the operator's placement on a Division wrecker rotation list for that zone and according to the wrecker classification for the size of the vehicle to be towed. Wrecker operators will be called in succession from the top of the list. Following each call an operator will be rotated to the bottom of the list, except as provided in subsection (18) of this rule. An operator shall respond to a call with a tow truck classified to meet or exceed the size of the vehicle to be towed.

(5) The wrecker operator may not lease, assign, transfer, pledge, surrender or otherwise encumber or dispose of his approval under these rules or his place on the rotation list. A replacement or successor operator must be approved under these rules before being placed within the division's call system. If a wrecker operator currently participating in the rotation list transfers ownership to another wrecker operator, the new owner may remain in the rotation system provided that it otherwise qualifies pursuant to these rules.

(6) Wrecker requests from the field will be transmitted to the Florida Highway Patrol duty officer who will contact the proper wrecker operator for the zone in which the vehicle to be removed is located. Owners' requests for wrecker operators will not be rotated and such operators will maintain their position on the list. The division may cancel a request for services of a participating wrecker operator at any time. In the event of cancellation or response without rendering service, the operator will not be rotated but will maintain its position on the list. If a wrecker does not respond to a request for service made under these rules or if the request is cancelled pursuant to Rule 15B-9.004, F.A.C., the operator shall be rotated to the bottom of the list.

(7) Wrecker operators will be listed only once on each list and only in the name under which they are qualified under the provision of this rule and conducting business in this state. It is prohibited for a wrecker operator conducting business at one location to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating out of the same location or out of different locations within the same zone. When two or more corporations are owned by the same individual, partnership or parent corporation, each may have a separate listing only when each has a separate location and different corporate officers. It is prohibited for two or more wrecker operators owned in whole or in part by the same individual, partnership or parent corporation to be qualified to operate in the same zone.

(8) Wrecker operators shall only respond to accidents or remove vehicles involved in an accident within the division's jurisdiction pursuant to a call received directly from a law enforcement agency as set forth in these rules. In the event of a call to a wrecker operator by someone other than a law enforcement agency, such operator shall first clear the call through the closest division office before proceeding to the scene.

(9) Long distance calls between the division's duty officer and the wrecker operators shall be without cost to the division. Wrecker operators shall have no more than one day and one night telephone number. The wrecker operator will notify the duty officer at the time the call is received whether or not it will respond. The wrecker operator shall notify the division of any change of numbers.

(10) Wrecker operators shall be on call twenty-four hours a day, seven days a week. Except as provided in this subsection, answering services or beepers are not permitted. The Troop Commander may approve the use of an answering service by a wrecker operator if, due to the limited number of operators in a zone, no undue burden is placed on the Division. The wrecker operator must acknowledge the rotation call by contacting the duty officer within 5 minutes after the rotation call was received by the answering service. If the wrecker operator does not acknowledge the call as required by this subsection, the duty officer shall cancel the call, rotate the wrecker operator to the bottom of the list and request the services of the next available wrecker operator.

(11) Wrecker operators are prohibited from calling the Florida Highway Patrol station to ascertain their current placement on the rotation list.

(12) Out-of-zone wrecker requests are permitted in the event of an emergency or the absence of a wrecker of proper classification within the accident or removal zone.

(13) In the event of specialized recovery requirements not otherwise met by the wrecker operators within the given zone, the division may call specialized recovery equipment on a nearest available basis.

(14) For multiple car accidents involving multiple disabled vehicles, the wrecker operator subject to call by class from the rotation list will be advised by the duty officer of the number of tow trucks needed to separately remove each vehicle. The wrecker operator will be given the option of removing all of the disabled vehicles to be removed if the operator maintains the number of qualified drivers and tow trucks to accomplish removal within the zone. If the wrecker operator in the zone lacks the capacity within the zone to remove all of the vehicles, it shall nevertheless be called and additional wrecker operators called as needed from the rotation list. Class C operators, which maintain one or more Class C units in a particular zone, may respond to a Class C call by utilizing approved Class C units owned by that operator from adjacent zones or by using approved Class C units from another approved Class C operator located in the same or adjacent zones, provided that the response can be made within a reasonable time under existing conditions and circumstances. The first wrecker on the list will have a choice of wrecked vehicles. If the first listed wrecker does not arrive on the scene within a reasonable time, the investigating trooper will assign vehicles to available operators. The first wrecker on the scene may be required to move vehicles from the roadway, and such movement will not affect the choice of wrecked vehicles. No fee shall be charged for such service.

(15) Wrecker files and wrecker logs (form HSMV 61131) shall be maintained at each Florida Highway Patrol Station.

(16) Wrecker operators may request to be taken temporarily off the list once within a 90-day period on form HSMV 60312.

(17) The Troop Commander is authorized to limit the number of wrecker operators participating in a particular zone. Wrecker operators currently participating in the system shall not be affected. The Troop Commander shall establish the number of operators

for a zone based on maintaining adequate and timely public service as well as minimizing the Division's management of the rotation system. This number may be revised if the Troop Commander finds that the public is not being adequately served as a result of an insufficient number of qualified wrecker operators.

(18) If a wrecker responds to a call pursuant to these rules and removal of the vehicle is not required, the wrecker operator may charge a reasonable fee for services rendered, which shall include but not be limited to changing a flat tire, providing gas or use of battery jumper cables, assisting in starting a vehicle, or unlocking a vehicle not to exceed \$35. The fee does not include the cost of parts or labor required for any authorized vehicle repairs made at roadside, which may be charged by the wrecker operator in addition to the service fee. A wrecker operator is prohibited from assessing a towing charge if the vehicle is not removed. The wrecker operator which renders services rather than towing a vehicle shall not be rotated to the bottom of the rotation list but shall remain at the top of the list for the next available call.

(19) For a period of at least one year from the date of the rendering of services to a vehicle, as provided in subsection (18), the wrecker operator shall retain a record of the name, driver's license number, address, and telephone number of the driver of the vehicle, the name and address of the registered owner of the vehicle if different from the driver, and the make, model and vehicle identification number of the vehicle which was assisted by the wrecker operator. This information shall be provided to the Division upon request for verification. Providing false information to the Division concerning the services rendered to the vehicle or the identification of the driver or the owner shall result in the removal of the wrecker operator from the rotation list pursuant to subsections 15B-9.007(1) and (4), F.A.C.

(20) When a wrecker responds to a call by the Division to remove an abandoned vehicle, the wrecker shall not be rotated to the bottom of the rotation list, but shall remain at the top of the list for the next available call.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History--New 1-22-86, Formerly 15B-9.03, Amended 10-15-92.

15B-9.004 Response to Calls.

(1) The wrecker operator shall respond to all requests for service made through the Florida Highway Patrol duty officer within a reasonable time under the existing conditions and circumstances. If response cannot be made within a reasonable time, the wrecker operator shall notify the Florida Highway Patrol duty officer of the estimated time of delay and the reasons for the delay. The duty officer may then cancel the request for service, rotate the wrecker operator to the bottom of the list and request the services of the next available wrecker operator.

(2) Unless authorized by the Florida Highway Patrol duty officer, flashing amber lights shall not be used while responding to a call for wrecker service.

(3) Flashing amber lights shall be used at the scene and when towing from the scene in accordance with Section 316.2397(3), F.S.

(4) When a vehicle is released at the scene by the investigating trooper or representative of the division, the wrecker operator shall not tow the vehicle to any location outside the zone unless the owner so requests.

(5) Any ancillary service, such as the use of dolly, dropping and hooking up linkage, are to be performed only if required and appropriate.

(6) The motor vehicle owner or operator is responsible for payment of charges imposed by the wrecker operator.

(7) The wrecker operator will forfeit a call if the wrecker operator or his employees or agents respond to a call in a non-approved wrecker or in such a condition that the officer on the scene reasonably believes that the vehicle cannot be safely removed. An example of such condition includes being under the influence of alcohol or any chemical substance or controlled substance.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History--New 1-22-86, Formerly 15B-9.04, Amended 10-15-92.

15B-9.005 Wrecker Classification and Required Equipment.

(1) Each tow truck owned or maintained by a wrecker operator shall be commercially manufactured and shall conform to the requirements of this rule. The requirements for commercial manufacture of trucks and equipment are waived for those operators who have been on the division's rotation list for one year prior to January 22, 1986. The wrecker and equipment shall be operable.

(2) The tow truck and equipment shall be inspected by the division's local troop commander or his designee and approved by the troop commander before being placed on the rotation list. Thereafter, trucks and equipment shall be subject to periodic checks as necessary to ensure compliance with these rules.

(3) Sirens on wreckers are prohibited.

(4) The wrecker operator shall not represent or imply on any vehicle, building or correspondence an official relationship between the wrecker operator and the division or any other police agency.

(5) It is prohibited for a tow truck or the business establishment maintained by the wrecker operator to have any equipment capable of monitoring messages or signals or frequencies assigned to the division.

(6) All trucks operated pursuant to this rule shall be equipped with a business-type communication radio or mobile telephone or cellular telephone. There shall be one radio or phone for each truck. Such equipment shall be licensed and approved by the Federal Communications Commission. The mobile radio or telephone shall enable the wrecker operator to communicate with his area of operations from any point within the assigned zone. A citizens band radio does not meet the requirements of this section. The troop commander may waive this requirement for all wrecker operators within a zone upon a showing that due to the limited number of operators in a zone that the installation of such communication devices is unnecessary or cost prohibitive or that the service is not readily available.

(7) Specifications and required equipment shall be as follows:

(a) ALL wreckers (All Classifications) shall include the following:

1. A cradle, tow plate or tow sling to pick up vehicles. The cradle, tow plate or tow sling shall be equipped with safety chains and constructed in such a manner that it will not damage the vehicle to be towed.

2. Dual rear wheels.

3. Clearance and marker lights and all other equipment as required by Chapter 316, F.S.

4. A rotor beam or strobe-type light, amber in color, mounted on the wrecker in such a manner that it can be seen from the front, rear, and both sides.

5. The name, address and telephone number of the wrecker operator for the zone in which the operator is qualified must be painted or permanently affixed in a conspicuous place on both sides of the trucks as required by Section 713.78(6), F.S. A unit number shall be painted on both sides of the cab of each wrecker. The same unit number on two or more wreckers qualified to tow within a zone is prohibited. Multiple addresses and telephone numbers are prohibited.

a. The name must be in letters at least three (3) inches in height.

b. The zone address and telephone number must be at least one (1) inch in height.

c. The unit number must be at least three (3) inches in height and in contrasting color.

d. Magnetic or removal signs or placards will not meet these requirements.

6. At least one heavy duty push broom with a minimum width of twenty-four (24) inches.

7. One square shovel.

8. One ax.

9. One crowbar or prybar with a minimum length of thirty (30) inches.

10. Minimum of one (1) five pound CO₂ or dry chemical fire extinguisher or equivalent. Must be approved type and have a current inspection tag attached.

11. One pair of bolt cutters with a minimum opening of 1/2 inch.

12. One set of jumper cables.

13. One four-way lug wrench.

14. One flashlight.

15. Five thirty minute fuses.

16. One snatch block for each winch with manufacturer's rating to match winch.

17. Extra towing chain six to eight feet in length with hooks.

18. At least three (3) safety cones or triangle reflectors.

19. Fifty pounds of sand or equivalent.

(b) Class "A" Wreckers – For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less. Specifications and equipment in addition to requirements outlined in paragraph 15B-9.005(7)(a), F.A.C., shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight. A complete, commercially manufactured boom and winch(es) having a manufacturer's combined rating of at least 4 tons must be mounted on the chassis. Hand crank winches do not satisfy these requirements and will not be approved.

2. A minimum of one hundred feet of 3/8-inch cable.

3. Dollies.

4. Flood lights on the hoist.

5. Vehicles which are equipped with wheel lifts or the equivalent may also qualify as Class A tow trucks so long as they are equipped with a boom and all other applicable requirements are met. Wheel lifts shall be rated at a minimum of 3,000 lbs. lift capacity and must utilize wheel safety straps when lifting vehicles by the wheels only.

6. Operators who wish to remove cars and light trucks may have, in addition, a roll-back or slide-back carrier truck/trailer with specifications and equipment as provided in subsection (c) of this rule.

7. HSMV Form 60308 shall be used by the Division for the inspection of Class "A" wreckers.

(c) Class "A" Roll-Back or Slide-Back Wreckers – For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less. Specifications and equipment for roll-back or slide-back carriers in addition to the requirements outlined in subparagraphs 15B-9.005(7)(a)2.-20., F.A.C., shall include the following:

1. A truck chassis with a manufacturer's rated capacity of at least 10,000 pounds gross vehicle weight with a minimum of a sixteen (16) foot bed, dual rear wheels and a winch with at least 8,000 pound capacity.

2. A minimum of 50 feet of 3/8-inch cable.

3. A minimum of two safety tie-down chains of at least ten (10) feet each in length.

4. Two spot (flood) lights mounted on the rear of the carrier.

5. A roll-back or slide-back carrier trailer shall meet the following requirements:

a. A commercially manufactured carrier trailer with a rated capacity of at least 8,000 pounds gross vehicle weight with a minimum sixteen (16) foot bed. A winch with at least 8,000 pound capacity.

b. A minimum of 50 feet of 3/8 inch cable.

c. Brakes and trailer lights which meet the minimum statutory requirements of Florida law.

d. Safety chains.

e. Must be towed by and used in conjunction with an approved wrecker that meets or exceeds the class of the vehicle to be towed.

6. HSMV Form 60305 shall be used by the Division for the inspection of roll-back and slide-back carriers.

(d) Class "B" Wreckers – For removal of medium duty trucks or vehicles weighing 20,000 pounds gross vehicle weight or less. Specifications and equipment in addition to the requirements outlined in paragraph 15B-9.005(7)(a), F.A.C., shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 20,000 pounds gross vehicle weight. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least ten (10) ton capacity mounted on the chassis. Class B wreckers that were previously approved at 15,000 pounds gross vehicle weight may continue in use within this class, even if sold to another approved rotation operator.

2. A minimum of one hundred feet of at least 1/2-inch cable on each drum.

3. One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.

4. Flood lights on the hoist.

5. HSMV Form 60307 shall be used by the Division for the inspection of Class "B" wreckers.

(e) Class "C" Wreckers – For the removal of heavy duty trucks, house trailers, buses, etc., weighing over 20,000 pounds gross vehicle weight. Specifications and equipment in addition to the requirements outlined in paragraph 15B-9.005(7)(a), F.A.C., shall be as follows:

1. A truck chassis with a manufacturer's rated capacity of at least 30,000 pounds gross vehicle weight and 50,000 pounds gross vehicle weight for tandem axle trucks. A complete, twin-winch, commercially manufactured boom and winches having a manufacturer's combined rating of at least 25 ton capacity mounted on the chassis.

2. A minimum of two hundred feet of at least 5/8-inch cable on each drum.

3. Air brakes so constructed as to lock the rear wheels automatically upon failure.

4. External air hookup and hoses, to supply air to disabled vehicles.

5. One set of scotch blocks for wheels or hydraulic rear-extendable scotch blocks.

6. Flood lights on the hoist.

7. HSMV Form 60306 shall be used by the Division for the inspection of Class "C" wreckers.

15B-9.006 Wrecker Operator Requirements.

(1) All wrecker operators and drivers must have in their possession a valid Florida driver's license as required by Florida law for the operation of any vehicle to be driven. Prior to approval, the Division shall obtain background information on each driver, including the driver history record. Form HSMV 60314 shall be used by the Division to record such information.

(a) The wrecker operator shall immediately notify the division of any changes in wrecker driver(s), wreckers, wrecker unit numbers, insurance coverage or any other changes relating to ownership or management of the business.

(2) Wrecker operators and their drivers are required to comply and be familiar with the Florida Uniform Traffic Control Law, Chapter 316, F.S.

(3) Wrecker operators properly at the scene of an accident shall remove only the vehicle involved at the direction of the investigating officer.

(4) Wrecker operators shall sweep glass from the roadway and remove all debris or hazards from the scene, and comply with the requirements of Section 316.2044(2), F.S.

(5) Wrecker operators shall impound such vehicles as requested by a trooper or a division representative.

(6) Wrecker driver(s) shall be thoroughly familiar with the operation of the wrecker he/she is operating.

(7) Except as provided in subsection 15B-9.003(14), F.A.C., for Class C wreckers, wrecker operators who are called from the rotation list shall not delegate or request assistance from another wrecker operator to perform the services necessary to accomplish the recovery or removal of vehicles in that class as defined pursuant to these rules. A wrecker operator unable to perform the recovery or removal shall be rotated and the next rotation wrecker on that list shall be called.

(8) The Department is not responsible for any damage to a vehicle caused by the wrecker operator.

(9) Insurance.

(a) The wrecker operator shall maintain the following policies of insurance according to the minimum limits set forth below. Each policy shall be in the name of the wrecker operator and shall include coverage for towing and storage. The policy shall be effective throughout the period that the wrecker operator is qualified under these rules. It is not the intent of this rule to limit the operator to the types of insurance required herein.

1. Worker's compensation and employer's liability insurance as required by statute.

2. Garage liability insurance in an amount not less than \$300,000 combined single limit liability.

3. Garage keeper's legal liability insurance in an amount not less than \$50,000 for each loss, covering perils of fire and explosion; theft of a vehicle, its parts or contents; riot and civil commotion; vandalism; malicious mischief; and damage to a vehicle in tow.

4. The following minimum levels of combined bodily injury liability insurance and property damage liability insurance required by Section 627.7415, F.S., in addition to any other insurance requirements as required by this rule.

a. Fifty thousand dollars (\$50,000) per occurrence for a wrecker with a gross vehicle weight of less than 35,000 pounds.

b. One hundred thousand dollars (\$100,000) per occurrence for a wrecker with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

c. Three hundred thousand dollars (\$300,000) per occurrence for a wrecker with a gross vehicle weight of 44,000 pounds or more.

(b) The insurance coverage required shall include those classifications that are listed in standard liability manuals, which most nearly reflect the operations of wrecker operators.

(c) All insurance policies required above shall be issued by companies authorized to do business in the State of Florida.

(d) The wrecker operator shall furnish certificates of insurance and a "Wrecker Insurance Statement of Compliance" (HSMV form 60313) to the troop commander prior to approval for participation on the rotation list, and thereafter thirty (30) days prior to the expiration dates of the policies. The certificates shall clearly indicate that the wrecker operator has obtained insurance of the type, amount and classifications required for compliance with this rule and that no material change or cancellation of the insurance shall be effective without thirty (30) days prior written notice to the Division. Upon failure of an approved wrecker operator to provide proof of insurance, as required by this paragraph, the Division shall provide notice to the wrecker operator pursuant to form HSMV 60311, of its non-compliance.

15B-9.007 Grounds for Denial of Inclusion on, or Removal or Suspension from, Rotation List.

(1) Violation of any provision of these rules by a wrecker operator shall be grounds for denial of inclusion on or removal or suspension from, the rotation list.

(2) Violations of the following offenses shall result in a letter of warning from the division's district commander for the first offense, 30 days suspension for a second offense within 3 years, and removal for a third or subsequent offense within 5 years from the first offense:

(a) Chasing or running wrecks in a zone without proper call from the division.

(b) Solicitation.

(c) Failure to answer a call three times within a calendar month.

(d) Inability to properly operate the tow truck in the removal of disabled vehicles or to remove a vehicle without causing additional damage.

(e) Any charge, demand, or request by a wrecker operator of a rate which exceeds the maximum rate established by the Division.

(3) Removal of a wrecked, disabled or abandoned vehicle without investigation or clearance by a proper law enforcement agency shall result in 30 days suspension for a first offense and removal for a second or subsequent offense within 3 years.

(4) Lack of reputability of a wrecker operator shall result in removal from the rotation wrecker list. For the purpose of this rule, lack of reputability shall mean that the division cannot trust the wrecker operator to safeguard the welfare and property of the public. Lack of reputability shall include, but not be limited to, the following:

(a) Conviction of any felony without restoration of the person's civil rights.

(b) Conviction of any felony or first degree misdemeanor directly related to the business of operating a wrecker, regardless of whether civil rights have been restored. For the purpose of this rule, any offense involving perjury or false statement shall be considered to be directly related to the business of operating a wrecker.

(c) Responding to a call while under the influence of alcohol or any controlled substance or chemical substance.

(5) If a wrecker unit is inspected and fails to meet the requirements of Rule 15B-9.005, F.A.C., the following action shall be taken:

(a) The failed wrecker unit shall be immediately suspended from the list by the division, pursuant to "Notice of Emergency Suspension and Administrative Complaint (Inspection)", form HSMV 60310, until such time as it passes inspection and is approved for use. The operation of a non-qualified wrecker unit is declared to be an immediate serious danger to the public health, safety or welfare requiring the immediate suspension of the wrecker unit. The continued use of a suspended wrecker unit shall constitute grounds for the emergency suspension of the wrecker operator.

(b) In the event this is the only wrecker unit maintained by the operator which has been approved by the division for its class and zone of operation, the wrecker operator shall be suspended immediately by the Division from the list in the zone and for the class. The Division shall issue a "Notice of Emergency Suspension and Administrative Complaint (Inspection)", form HSMV 60310 to effect the suspension. The suspension shall continue until such time as the wrecker successfully passes inspection and is approved for use, or the wrecker operator is removed from the list for failure to pass inspection. The wrecker operator must correct the deficiencies and request to have the wrecker unit re-inspected within 30 days from the date of the suspension. If the wrecker unit has not been re-inspected and approved within the 30 day period, the wrecker operator shall be removed from the list.

(6) Insurance Coverage: If the wrecker operator's insurance policy is canceled or not renewed according to the requirements of Rule 15B-9.006, F.A.C.:

(a) The wrecker operator shall be immediately suspended from the list by the division. Form HSMV 60309 "Notice of Emergency Suspension and Administrative Complaint (Insurance)" shall be issued by the Division. The use of a wrecker by a wrecker operator who does not maintain the insurance coverage required by these rules is declared to be an immediate serious danger to the public health, safety or welfare requiring the immediate suspension of the wrecker operator.

(b) If the required insurance coverage is not obtained and provided to the division on the Statement of Compliance form HSMV 60313 within 30 calendar days of the date of cancellation or expiration, the wrecker operator shall be removed from the list.

(7) Once a wrecker operator has been suspended for more than 30 days or removed from the list the wrecker operator must make a new application for retention or inclusion on the list.

(8) Wrecker operators are responsible for complying with any applicable federal, state, county or city laws, rules or regulations regarding the removal, towing, recovery, storage and notification of owners and lien holders. Wrecker operators shall maintain any

local or state license required for the operation of a wrecker service. If the required license is not obtained and provided to the division within 30 days of the date of cancellation or expiration, the wrecker operator shall be removed from the list.

Rulemaking Authority 321.051, 120.60(8) FS. Law Implemented 321.051, 321.05(1) FS. History—New 1-22-86, Formerly 15B-9.07, Amended 10-15-92.

15B-9.008 Procedure for Denial of Inclusion on, or Removal or Suspension from, Rotation List.

(1) The procedure for denial of inclusion on, or removal or suspension from, a rotation list shall be governed by Chapter 120, F.S. and Rule 15-2.001, F.A.C. Final agency action shall be taken by the Division Director or his designee.

(2) Hearings held by the Division to deny, suspend, or remove a wrecker operator from participating in the wrecker rotation system shall be held by a hearing officer appointed by the Division Director.

(3) A final order of the Department denying, suspending, or revoking a wrecker operator's participation in the rotation system shall be reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by writ of certiorari issued by the circuit court in the county wherein such wrecker operator shall reside.

Rulemaking Authority 321.051, 120.60(8) FS. Law Implemented 321.051, 321.05(1), 120.57(1) FS. History—New 1-22-86, Formerly 15B-9.08, Amended 10-15-92.

15B-9.009 Wrecker Forms.

The forms identified in this rule chapter are listed below by number, title and effective date. Each form is incorporated by reference. Copies may be obtained by contacting the nearest Florida Highway Patrol station.

- (1) HSMV 60305 (Rev. 7/90), Roll-Back or Slide-Back Carrier Wrecker Inspection Form.
- (2) HSMV 60306 (Rev. 7/90), Class C Wrecker Inspection Form.
- (3) HSMV 60307 (Eff. 7/90), Class B Wrecker Inspection Form.
- (4) HSMV 60308 (Eff. 12/89), Class A Wrecker Inspection Form.
- (5) HSMV 60309 (Rev. 7/90), Notice of Emergency Suspension and Administrative Complaint (Insurance).
- (6) HSMV 60310 (Rev. 7/90), Notice of Emergency Suspension and Administrative Complaint (Inspection).
- (7) HSMV 60311 (Eff. 12/89), Notice of Non-Compliance (Insurance Requirements).
- (8) HSMV 60312 (Rev. 7/90), Wrecker Company Removal Request.
- (9) HSMV 60313 (Rev. 7/90), Wrecker Insurance Statement of Compliance.
- (10) HSMV 60314 (Eff. 12/89), Wrecker Driver Information.
- (11) HSMV 60315 (Rev. 7/90), Application For Inclusion On The Wrecker Rotation List.
- (12) HSMV 61131 (Rev. 4/89), Wrecker Log and Wrecker Call Summary Report.

Rulemaking Authority 321.051, 120.55(1) FS. Law Implemented 321.05(1), 321.051 FS. History—New 10-15-92.

15B-9.010 Maximum Rates for Towing and Storage.

(1) Public Service Rates. Wrecker operators located in zones in which maximum rates for towing and storage of vehicles removed at the division's request have been established by a county commission or municipal commission pursuant to Sections 125.0103 and 166.043, F.S., or other applicable authority, shall comply with those rates.

(2) Procedure for setting Rates. The Troop Commander shall establish maximum towing and storage rates for each zone within the troop which is not otherwise covered by rates set by a county or municipality according to subsection (1) above. In determining such rates the troop commander shall consider:

- (a) costs incurred by the wrecker operator in the storage of vehicles, including the rental or purchase of property, insurance premiums, and maintenance of storage facilities;
- (b) costs incurred by the wrecker operator in the removal of vehicles including maintenance and operation of wrecker units;
- (c) prior or existing contracts between wrecker services and governmental agencies for the removal and storage of vehicles;
- (d) towing and storage charges currently imposed by wrecker services for rotation and owner's requests calls.

(3) Rates set by the Division shall consist of the following rate schedule. Separate rates may be established for each tow truck classification (A, B, C, roll-back).

- (a) "Base Rate" – The basic charge for responding to a call within a 10-mile radius from the wrecker operator's place of

business. It includes attaching to the disabled vehicle and towing it to the place of storage. It also includes no more than a 30-minute wait at the accident scene before commencing actual retrieval. Any waiting time at the scene beyond 30 minutes may be charged at the hourly rate as defined below. Mileage traveled, in going to the scene or in returning to the place of storage, which is beyond the 10-mile radius from the operator's place of business may be billed at the applicable mileage rate.

(b) "Hourly Rate" – The per hour charge for use of a wrecker in retrieving submerged vehicles, upright overturned vehicles, retrieval from ditches or the attachment of dollies. It does not include travel time or the first 30 minutes of working or waiting time on the scene. There shall be no separate charge for winching.

(c) "Mileage" – The rate charged per mile for travel or towing outside of the 10-mile radius from the wrecker operator's place of business.

(d) "Daily Outside Storage Rate" – The daily rate for storing a vehicle in outside storage based on a 24-hour day, each day starting at 12:01 a.m. The initial six hours of storage shall be without charge pursuant to Section 713.78(2)(c), F.S. Thereafter, the daily rate will apply and any fraction of a day will count as a full day.

(e) "Daily Inside Storage Rate" – The separate rate charged for inside storage according to the same criteria as that set forth above for outside storage.

(4) A maximum of \$30.00 may be charged to the owner/driver of a vehicle towed or stored for the preparation, filing or mailing of any forms required by Florida Statutes, local ordinance or the Division, if a vehicle is in storage for more than 24 hours. This paragraph does not apply to any action initiated by a wrecker operator to foreclose a lien recognized by Florida law.

(5) Any wrecker operator qualified under these rules who charges a fee for a particular service or services in excess of the rates established by this rule will be subject to sanctions as set forth in Rule 15B-9.008, F.A.C. A wrecker operator shall not charge the base towing rate fee for a call resulting in service only to a disabled motorist which does not involve towing the vehicle from the scene.

Rulemaking Authority 321.02, 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 10-15-92.

15B-9.011 Storage Facilities.

(1) Wrecker operators shall provide storage facilities which shall be maintained at the operator's place of business and located within their assigned zone. These facilities must be fenced and locked for the protection of vehicles and property.

(2) The wrecker operator shall provide storage for all impounded/towed vehicles in the outside storage area unless specific written instructions are given for inside storage by the impounding trooper or the owner. If required for investigative purposes, the wrecker operator shall move the vehicle(s) to a designated area for processing prior to storage. In such instance, the Division will not authorize release of the vehicle until all outstanding charges by the operator, as authorized by the Division, have been satisfied.

(3) The wrecker operator shall not change the type of storage facility (inside or outside) afforded a vehicle without written permission from the Troop Commander. The wrecker operator shall not change the storage facility location without first obtaining written permission from the Troop Commander.

(4) If impractical because of zoning or other considerations such as lack of space, storage facilities may be maintained within the same zone at a place other than a wrecker operator's place of business so long as the following requirements are met as to such storage facility:

(a) The storage facility is located in the same zone within 5 miles of the wrecker operator's place of business.

(b) The storage facility must be owned or leased solely by the wrecker operator and vehicles stored by the operator must be separately fenced and locked.

(5) The registered owner of a vehicle or the owner's representatives or owner's insurance adjusters, upon proper identification, shall be permitted to inspect or photograph stored vehicles during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The wrecker operator shall not require the owner, adjuster or representative to pay any fee in order to inspect or photograph the stored vehicle.

(6) All fencing shall be chain-link or solid-wall type, at least 6 feet high, to discourage theft of any vehicle or any property being stored inside. All storage facilities shall be illuminated with lighting of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet during nighttime.

(7) Permanent inside storage facilities must be available for 24-hour storage when weather or other conditions require inside storage for the protection of the vehicle or personal property. A lean-to, tent or shed does not meet the requirements of this section. Inside storage must be within a weather-tight building.

(8)(a) A minimum of 25 storage spaces with 3 inside storage spaces must be available. Wrecker operators who have been on the Division's rotation system for six months prior to the effective date of this rule may continue on the list without regard to the minimum storage spaces required herein, so long as all other applicable provisions of these rules are met.

(b) Service bays or repair bays do not qualify as inside storage, nor does any area that is utilized for any activity other than serving as a permanent inside storage area, when vehicles are actually stored inside at the request of a law enforcement agency or the owner of a vehicle.

(9) Wrecker operators shall comply with hold orders placed by the Division, including any instructions for inside or outside storage. Vehicles involved in a fatality and sealed by the traffic homicide investigator shall remain intact until the seals are removed by the investigator. No property of any kind shall be released to anyone without authority of the homicide investigator. If no fatality occurred, then the vehicle and the property may be released by the wrecker operator upon valid proof of ownership once the hold is released.

(10) A copy of an inventory prepared by the Division, of all personal property found in a wrecked, disabled or abandoned vehicle shall be provided to the wrecker operator. The wrecker operator shall permit the removal of such property by the vehicle owner or his agent from a stored vehicle during normal business hours without charge. The agent's authority shall be evidenced by a writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths. A signed receipt for each article removed by the owner or his agent shall be obtained. Personal property shall be defined as any item not affixed to the vehicle which was in the vehicle at the time of the tow. In the case of vehicles stored where no "hold order" has been placed, the wrecker operator will directly release any vehicle upon presentation of proper proof of identification and ownership. If these conditions cannot be met due to unusual or extraordinary circumstances, the vehicle will be released only upon authorization obtained from the Division.

(11) Wrecker operators handling the initial tow shall exercise reasonable care and control of parts and contents located in vehicles while under their protection or while in storage.

(12) During the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, wrecker operators will provide adequate staffing at the storage facility so that personal property may be removed from the vehicle or the vehicle itself may be released without undue delay.

(13) Should it become necessary that personal property be removed from a vehicle or a vehicle be released when the storage facility is not staffed, the wrecker operator will be required to do so and allowed to charge a reasonable fee.

Rulemaking Authority 321.051 FS. Law Implemented 321.051, 321.05(1) FS. History—New 10-15-92.

Attachment 4

NOTICE OF ORDINANCE ADOPTION

The Flagler County Board of County Commissioners proposes the adoption of the following by ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING CHAPTER 20, ARTICLE VI OF THE FLAGLER COUNTY CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA RELATING TO TOWING OF VEHICLES; PROVIDING FOR FINDINGS; AMENDING SECTIONS 20-345 - 20-347 RESERVED; PROVIDING FOR SECTION 20-345 GROUNDS FOR REMOVAL OR SUSPENSION FROM TOWING SERVICES ROTATION LIST; PROVIDING FOR SECTION 20-346 PENALTIES; PROVIDING FOR SECTION 20-347 ENFORCEMENT; PROVIDING FOR SECTION 20-348 ROTATION TOWING RULES AND REGULATIONS, AUTHORIZATION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A public hearing on the ordinance will be held in the location listed below at the date and time provided:

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS - November 20, 2017 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, 32110.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning and Zoning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to amengel@flaglercounty.org. Copies of the proposed ordinance, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning and Zoning Department, 1769 East Moody Boulevard, Building 2, Bunnell, Florida 32110, Monday through Friday (except holidays) from 8:00 am to 5:00 pm.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE COUNTY ADMINISTRATION AT (386) 313-4001 AT LEAST 48 HOURS PRIOR TO THE MEETING.

NT2267424. Nov. 8, 2017 It

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING / AGENDA ITEM # 9b2**

SUBJECT: Consideration of a Resolution Setting the Maximum Towing Fees for Service.

DATE OF MEETING: November 20, 2017

OVERVIEW/SUMMARY: Staff is seeking approval of a resolution amending the maximum fees for service (Attachment 1). The current rate schedule were adopted over 6 years ago in 2011. Staff conducted a cost comparison which included Volusia, St. Johns, Volusia, Putnam and Lake Counties (Attachment 2). Additionally, a meeting was held with local tow truck vendors (2 out of the 3 local operators attended) regarding the proposed fee schedule and better defined regulations. Based upon the results of the meeting, an alternative fee schedule is being proposed revising some of the fees and added regulations for charges and billing.

Florida Statutes imposes upon counties the responsibility to set maximum rates for towing and immobilization of vehicles on private property and the removal and storage of vehicles from accident scenes in the event the owner is incapacitated, leaves procurement of the wrecker to law enforcement, or does not consent to the necessary removal of the vehicle.

FUNDING INFORMATION: N/A

DEPT., CONTACT, PHONE: Deputy County Administration /Sally Sherman / 386-313-4001

RECOMMENDATION: Request the Board approve the resolution setting the maximum allowable rates.

ATTACHMENTS:

1. Resolution with Strikethrough and Underline
2. Maximum Towing and Storage Charges Comparison Summary



Sally Sherman, Deputy County Administrator

Date 11-14-17

RESOLUTION NO. 2017-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, ESTABLISHING THE MAXIMUM RATES FOR TOWING, FOR IMMOBILIZATION OF VEHICLES, AND FOR REMOVAL, STORAGE OF VEHICLES, SEPARATE CHARGES, AND BILLING REQUIREMENTS IN ACCORDANCE WITH CHAPTER 20 OF THE CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 125.0103(1)(c) and 166.043(1)(c), Florida Statutes, mandates the Board of County Commissioners (the "Board") to enact regulations establishing maximum rates for the towing of vehicles; and

WHEREAS, Section 715.07(2)(b), Florida Statutes, empowers the Board to enact regulations pertaining to the towing industry that supplement the requirements of Florida Statutes, including the establishment of towing rates when vehicles are removed from private property; and

WHEREAS, Sections 20-342 – 20-343, Flagler County Code, authorize the establishment of rates for towing and related fees by resolution of the Board; and

WHEREAS, the Board approved Resolution 2011-28 on July 6, 2011 establishing a fee schedule for the towing, immobilization, removal and storage of vehicles; and

WHEREAS, several individuals and firms in Flagler County engage in the business of recovering, towing and storing of motor vehicles and vessels; and

WHEREAS, the County desires to update and clarify the maximum rates for towing and storage of towed vehicles, the rendition of other services involving the use of a wrecker, and other customary towing services when the point of origin of the tow or services is within the boundaries of the County; and

WHEREAS, such towing services frequently must be provided without the prior consent of the vehicle/vessel owner, or under circumstances which prevent negotiating the charges, terms and conditions for the towing service, often resulting in disagreements and complaints between vehicle/vessel owners and providers of towing services; and

WHEREAS, the vehicles and equipment used to tow vehicles/vessels across the thoroughfares of Flagler County and the manner in which towing is conducted are of considerable significance to the health, safety and welfare of the owners of towed vehicles/vessels and of the residents and visitors in Flagler County; and

Additions appear as underlined text, deletions as strikethrough

WHEREAS, the Board finds it to be in the best interest of the County, its citizens and its visitors, to license and regulate non-consent and consent towing services and all drivers who perform towing services within Flagler County, to assure that all who provide the services are fit and competent to do so and that such services are delivered in a safe and efficient manner.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA:

SECTION 1. Establishment of Schedule of Fees. The schedule of maximum fees for the towing, immobilization, removal and storage of vehicles, consistent with Chapter 20, Sections 20-342 and 20-343, Flagler County Code, are hereby established and adopted as set forth as follows:

- (a) **CLASS A VEHICLES** (gross vehicle weight less than ten thousand (10,000) pounds or vehicle carrying a vessel fifteen (15) feet or less in length):

<u>Service provided</u>	<u>Maximum rate</u>
(1) Trespass tow (flat rate)	\$125.00
(2) Immobilization	\$100.00
(3) Nonconsensual tow	\$125.00
a. Nonconsensual tow, <u>per full extra mile over initial 10 miles</u>	\$3.00 \$4.00
b. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15 minute block	\$25.00 \$35.00
(4) Trespass or Nonconsensual tow daily storage per day <u>after the first six hours</u>	\$35.00
a. Inside storage, per day, additional <u>charge</u>	\$10.00
b. Tarpaulin coverage, one time additional <u>charge</u>	\$10.00

- (b) **CLASS B VEHICLES** (gross vehicle weight more than ten thousand (10,000) pounds but less than nineteen thousand five hundred (19,500) pounds or vehicle carrying a vessel more than fifteen (15) feet but less than twenty-two (22) feet in length):

<u>Service provided</u>	<u>Maximum rate</u>
(1) Trespass tow (flat rate)	\$250.00

Additions appear as underlined text, deletions as strikethrough

(2)	Immobilization	\$100.00
(3)	Nonconsensual tow	\$250.00
a.	Nonconsensual tow, <u>per full extra mile over initial 10 miles</u>	\$4.00 \$5.00
b.	Nonconsensual tow, time beyond initial 30 minutes at scene, per 15 minute block	\$50.00
(4)	Trespass or Nonconsensual tow daily storage per day <u>after the first six hours</u>	\$30.00 \$40.00
a.	Inside storage, per day, additional <u>charge</u>	\$15.00
b.	Tarpaulin coverage, one time additional <u>charge</u>	\$15.00

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

<u>Service provided</u>	<u>Maximum rate</u>
(1) Trespass tow (flat rate)	\$400.00
(2) Immobilization	\$100.00
(3) Nonconsensual tow	\$400.00
a. Nonconsensual tow, <u>per full extra mile over initial 10 miles</u>	\$5.00
b. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15 minute block	\$75.00
(4) Trespass or Nonconsensual tow daily storage per day after the first six hours	\$60.00 \$70.00
a. Inside storage, per day, additional <u>charge</u>	\$20.00
b. Tarpaulin coverage, one time additional <u>charge</u>	\$20.00

(d) **CLASS D VEHICLES** (gross vehicle weight more than 25,000 pounds):

Additions appear as underlined text, deletions as strikethrough

<u>Service provided</u>	<u>Maximum rate</u>
(1) Trespass tow (flat rate)	\$500.00
(2) Immobilization	\$100.00
(3) Nonconsensual tow	\$500.00
a. Nonconsensual tow, <u>per full extra mile over initial 10 miles</u>	\$6.00
b. Nonconsensual tow, time beyond initial 30 minutes at scene, per 15 minute block	\$100.00
(4) Trespass or Nonconsensual tow daily storage per day <u>after the first six hours</u>	\$60.00
a. Inside storage, per day, additional <u>charge</u>	\$20.00
b. Tarpaulin coverage, one time additional <u>charge</u>	\$20.00

(e) *SEPARATE CHARGES:*

<u>Service provided</u>	<u>Maximum rate</u>
(1) Air bags (at cost, not to exceed)	\$4,000.00
(2) Front end loader (per hour)	\$250.00
(3) Bobcat, skid steer, fork lift (per hour time on scene)	\$125.00
(4) Maintenance of traffic (MOT) setup	\$500.00
a. Rate (per hour)	\$75.00
b. Additional Labor (per hour)	\$55.00
(5) Hazardous Spill kits	\$80.00
(6) Semi-Tractor tow (per hour)	\$300.00
(7) Semi-Truck Heavy Duty Tractor with Specialty Trailer two (Low Boy) (per hour)	\$500.00

Additions appear as underlined text, deletions as strikethrough

a. Mileage charge per mile round trip (first 10 miles free)	\$10.00
(8) Removal of drive shaft	\$55.00
(9) Air hook-up	\$55.00
(10) Remove/pull axle	\$55.00
(11) Call Box Response, Base Fee	\$50.00
(12) Miscellaneous Non-tow Services – per hour (Tire Change, Gas, etc.), Plus actual expenses	\$25.00
(13) After Hours/Holiday Recovery Fee	\$50.00
(14) Notice of Lien/ <u>Administrative</u> Charge	\$125.00

(f) The maximum rates established above for all class of vehicles shall be all-inclusive and no additional charges shall be made for:

(1) Time spent at the scene of the tow, other than as specified in the rate schedule.

(2) Release fees during normal business hours (Monday-Friday 8:00 a.m. – 5:00 p.m.)

(3) Storage for the first six hours.

(g) No other fees of whatever kind may be charged for services rendered during the first twelve (12) hours that the vehicle is in the possession of the wrecker, beginning from the time the vehicle is delivered to the storage facility, except as specifically provided herein. Storage fees as set forth above may be assessed after the initial six (6) hour period based on calendar day increments.

(h) Notice of Lien/Administrative Fee. An administrative fee for compliance with statutory notice requirements may be charged after the first forty-eight (48) hours, excluding holidays and weekends, so long as the wrecker service has actually complied with the requirements of Section 713.78, Florida Statutes, including the executing and mailing of the lien notice.

(i) Access Fee. After hours, weekend or holiday, an access fee of \$50 may be charged should it become necessary for the Towing Service personnel to respond to open the business to allow personal property to be removed from the vehicle or a vehicle to be released. Normal business hours are considered to be Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding State legal holidays. Per Florida Statute 715.07(2)(a), towing companies engaged in private property

Additions appear as underlined text, deletions as strikethrough

towing must be open for the purpose of redemption of vehicles on any day the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 5:00 p.m.

- (j) Consumer complaints. All consumer complaints concerning excessive charges or violations of this Resolution are directed to Flagler County Code Enforcement for investigation.
- (k) Service of Fees. When a law enforcement officer requests a wrecker for a non-consensual tow and the tow truck operator is able to make repairs at the scene, making the vehicle drivable and not requiring the vehicle to be towed, the tow truck operator shall be entitled to the applicable service fee, plus labor and parts, if any.

Other Fees/Charges. No other charges or fees shall apply to or be collected other than what is defined herein.

SECTION 2. Billing requirement.

- (a) Towing service operators shall provide a written bill at the request of the owner or operator of a vehicle detailing the charges to date.
- (b) Towing service operators shall provide, at the time of payment, a written receipt for all charges imposed and payments received from the owner or operator of the vehicle resulting in the tow or immobilization of a vehicle. Additionally, said receipt shall include at a minimum:
 - (1) The date, time and location of the tow;
 - (2) The total charges listed individually using the terminology consistent with the fee schedule in this Resolution; and
 - (3) The date and time of payment of charges.

The schedule of fees listed above is intended to replace, by this Resolution, those maximum fees as listed in Resolution 2011-28 of Flagler County, Florida. The schedule of fees included herein shall remain in effect until such time as the same are amended by adoption of a subsequent resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA THIS ____ DAY OF _____, 2017.**

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**

Additions appear as underlined text, deletions as strikethrough

ATTEST:

Nate McLaughlin, Chair

Tom Bexley, Clerk of the Circuit
Court and Comptroller

APPROVED AS TO FORM:

Al Hadeed, County Attorney

Additions appear as underlined text, deletions as strikethrough

Towing and Storage Charges	Flagler County Res 2011-28 [i]	Flagler County 2017 Proposal [ii]	St. Johns County Ord 2015-50 [iv]	VOLUSIA COUNTY[v] Ord 2009-06 [v]	PUTNAM COUNTY[vi] Res 13- [vi]	LAKE COUNTY[vii] [vii]
CLASS A VEHICLES						
Trespass tow (flat rate)	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	\$ 120.00
Trespass tow, per full extra mile	\$ -	\$ -	\$ 3.00	\$ -	\$ 5.00	\$ -
Immobilization	\$ 100.00	\$ 100.00	\$ 100.00	\$ 75.00	\$ 22.00	\$ -
Nonconsensual tow	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00	\$ 120.00	\$ -
Nonconsensual tow, per full extra mile	\$ 3.00	\$ 4.00	\$ 3.00	\$ 3.00	\$ 5.00	\$ -
Nonconsensual tow, time beyond initial 30 minutes at scene, per 15 minute block	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ -
Trespass or Nonconsensual tow daily storage per day	\$ 25.00	\$ 35.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 35.00
Inside storage, per day, additional	\$ 10.00	\$ 10.00	\$ -	\$ 20.00	\$ 25.00	\$ 25.00
OR Tarpaulin coverage, per day additional	\$ 10.00	\$ 10.00	\$ -	\$ 15.00	\$ -	\$ -
After-hours/holiday release fee	\$ 50.00	\$ 50.00	\$ -	\$ 35.00	\$ 50.00	\$ -
Mileage Rate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4.00
Hourly Rate (after 1 st 30 minutes)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 120.00
CLASS B VEHICLES						
Trespass tow (flat rate)	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 300.00
Trespass tow, per full extra mile	\$ -	\$ -	\$ 4.00	\$ -	\$ 6.00	\$ -
Immobilization	\$ 100.00	\$ 100.00	\$ 100.00	\$ 75.00	\$ 22.00	\$ -
Nonconsensual tow	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 225.00	\$ -
Nonconsensual tow, per full extra mile	\$ 4.00	\$ 5.00	\$ 4.00	\$ 4.00	\$ 6.00	\$ -
Nonconsensual tow, time beyond initial 30 minutes at scene, per 15 minute block	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ -
Trespass or Nonconsensual tow daily storage	\$ 30.00	\$ 40.00	\$ 40.00	\$ 30.00	\$ 40.00	\$ 15.00
Inside storage, per day, additional	\$ 15.00	\$ 15.00	\$ -	\$ 25.00	\$ 25.00	\$ -
OR Tarpaulin coverage, per day additional	\$ 15.00	\$ 15.00	\$ -	\$ 15.00	\$ -	\$ 5.00
After-hours/holiday release fee	\$ -	\$ -	\$ -	\$ 35.00	\$ 50.00	\$ -
Mileage Rate	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hourly Rate (after 1 st 30 minutes)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300.00
CLASS C VEHICLES						
Trespass tow (flat rate)	\$ 400.00	\$ 400.00	\$ 375.00	\$ 375.00	\$ 450.00	\$ 500.00
Trespass tow, per full extra mile	\$ -	\$ -	\$ 5.00	\$ -	\$ 7.00	\$ -
Immobilization	\$ 100.00	\$ 100.00	\$ 100.00	\$ -	\$ 22.00	\$ -
Nonconsensual tow	\$ 400.00	\$ 400.00	\$ 375.00	\$ 375.00	\$ 400.00	\$ -
Nonconsensual tow, per full extra mile	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 7.00	\$ -
Nonconsensual tow, time beyond initial 30 minutes at scene, per 15 minute block	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ -
Trespass or Nonconsensual tow daily storage per day	\$ 60.00	\$ 70.00	\$ 70.00	\$ 60.00	\$ 60.00	\$ 40.00
Inside storage, per day, additional	\$ 20.00	\$ 20.00	\$ -	\$ 55.00	\$ 55.00	\$ -
OR Tarpaulin coverage, per day additional	\$ 20.00	\$ 20.00	\$ -	\$ 15.00	\$ -	\$ 6.00
After-hours/holiday release fee	\$ -	\$ -	\$ -	\$ 35.00	\$ 50.00	
Mileage Rate	\$ -	\$ -	\$ -	\$ -	\$ -	

[illegible]

Towing and Storage Charges	Flagler County Res 2011-28 [i]	Flagler County 2017 Proposal [ii]	St. Johns County Ord 2015-50 [iv]	VOLUSIA COUNTY[v] Ord 2009-06 [v]	PUTNAM COUNTY[vi] Res 13- [vi]	LAKE COUNTY[vii] [vii]
Call Box Response, Base Fee	\$ 50.00	\$ -	\$ 50.00	\$ -	\$ -	\$ -
Miscellaneous Services (Tire Change, Gas, etc.)	\$25.00 per hour - Plus actual expenses	\$25.00 per hour - Plus actual expenses	\$ 25.00	\$ -	\$ -	\$ -
After Hours/Holiday Recovery Fee	\$ 50.00	\$ 50.00	\$ -	\$ -	\$ -	\$ -
Notice of Lien Change	\$ 125.00	\$ 125.00	\$ 125.00	\$ -	\$ -	\$ -

ADDITIONAL NOTES:

St. Johns County	An additional daily storage fee may be charged for any vessel, trailer or other mobile item, whether motorized or not, which is mounted on wheels and attached to a towed vehicle.
Volusia County	An additional daily storage fee may be charged for any vessel, trailer or other mobile item, whether motorized or not, which is mounted on wheels and attached to a towed vehicle. The maximum rates established shall be a flat fee which shall be all-inclusive and no additional charges shall be made for: any fees for special equipment or services such as double hook-up. Trailer or flat bed, lifts mileage, other than those in the
Putnam County	Maximum rates established above shall be a flat fee which shall be all-inclusive and no additional charges shall be made for: a) time spent at the scene of the tow, other than as specified in the rate schedule; b) release fees during normal business hours (Monday-Friday 8am -5pm); and c) storage for the first six hours. No other fees may be charged for services rendered during the 1 st twelve hours that the vehicle is in the possession of the wrecker, beginning from the time the vehicle is delivered to the storage facility, except as specifically provided herein. Storage fees as set forth above may be assessed after the initial six hour period based on calendar day increments. An administrative fee for compliance with statutory notice requirements may be charged after the first forty-eight hours so long as the wrecker service has complied with the requirements of F.S. 713.78, including execution and mailing of the lien notice. Further, a "tarpaulin fee" in the amount of \$15.00 may be assessed when the towing service reasonably finds it necessary to install and maintain tarpaulin coverage on any Class A stored vehicle in order to protect the interior accessories or upholstery of such vehicle from damage by inclement weather. Tarpaulin fees for coverage of any other Class vehicle must be reasonable and based on actual costs. An after-hours (Monday-Friday, 5:00pm -8:00am, Saturday and Sunday and national holidays) release fee not to exceed \$50.00 may be charged.

[i] Resolution 2011-28 Approved by Board of County Commissioners at the July 6, 2011 meeting.

[ii]

[iii] Ordinance 2003-15 Flagler County (current)

[iv] Ordinance 2003-42 St. Johns County

[v] Ordinance 2009-06 Volusia County

[vi] Ordinance 2004-21, Resolution 2010-05 Putnam County

[vii] Lake County Code of Ordinances Effective April 2008