Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 8(C)(1)(G)

From: George M. Burgess
County Manager

Subject: Resolution authorizing Miami-Dade County towing companies the authority to levy a fuel surcharge due to the increase in fuel prices

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RECOMMENDATION

It is recommended that the Board approve the attached resolution authorizing Miami-Dade County towing companies to levy up to a $3.00 fuel surcharge per non-consent tow performed due to the increase in the cost of diesel fuel.

SCOPE

The surcharge is applicable countywide, except where municipalities have established differing maximum rates for their jurisdictions, pursuant to Sections 125.0103 and 166.043, Florida Statutes.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

The Consumer Services Department will be responsible for monitoring towing company compliance with the fuel surcharge.

BACKGROUND

Section 125.0103, Florida Statutes, requires counties to establish maximum fees which may be charged for the towing of vehicles from private property without the consent of the vehicle owner or authorized operator. Towing rates for consent tows are not regulated.

On July 22, 2003, the Board adopted Resolution No. R-853-03 that increased maximum towing rates for Class A, B, C, and D vehicles. The charge for towing of vehicles is determined by the gross vehicle weight of the vehicle being towed, which in turn determines the size of the tow truck required. The vast majority of tows are categorized as Class "A" (covering most consumer vehicles), with a maximum rate a tower may charge set at $101.00.

The majority of tow trucks use diesel fuel. When rates were last reviewed in 2003, the price of diesel fuel averaged approximately $1.61 per gallon. According to the US Government's Energy Information Administration, the average price for diesel fuel averaged $4.06 per gallon the week of April 14, 2008. A recent sampling of Miami-Dade County towing companies indicates that fuel costs represent, on average, 18 percent of a company's operating expenses. Industry representatives have indicated that they cannot continue to absorb the increased cost of fuel without hardship to their businesses.

The proposed resolution authorizes towing companies to charge up to a $3.00 per tow fuel surcharge based on a $.60 per mile surcharge formula. The formula is consistent with the surcharge rates recommended by the Owner-Operator Independent Truckers Association. The average number of miles driven during a non-consent tow is estimated at approximately five miles. Towing companies

implementing the surcharge will be required to itemize the charge on all manifests and trip sheets, as well as post the surcharge with their rate schedule.

The Consumer Services Department is reviewing current County towing regulations and maximum rates. Staff will work closely with industry representatives prior to forwarding final recommendations to the Board.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 3, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(C)(1)(G)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

✓ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(C)(1)(G)
6-3-08

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A FUEL SURCHARGE FOR TOWS AT THE REQUEST OF PRIVATE PROPERTY OWNERS, POLICE AGENCIES AND OTHER TOWS WITHOUT THE PRIOR CONSENT OF THE VEHICLE OWNER OR A DULY AUTHORIZED AGENT

WHEREAS, the Board adopted Resolution R-853-03 which established maximum rates for towing, recovery and storage of vehicles at the request of private property owners and police agencies; and

WHEREAS, increases in crude oil prices and world demand for distillate fuels has increased the average per gallon cost of diesel fuel to $4.06 as of April 14, 2008; and

WHEREAS, fuel costs represent a significant operational expense to the towing industry; and

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby authorizes Miami-Dade County towing companies up to a $3.00 fuel surcharge for each tow performed at the request of private property owners, police agencies, and other tows without prior consent of the vehicle owner or duly authorized driver pursuant to the following conditions:

1. The fuel surcharge is in addition to the maximum rates authorized under Resolution R-853-03.
2. Towing companies may continue to levy the fuel surcharge until such time that maximum towing rates established in R-853-03 are amended.

3. Towing companies shall separately itemize fuel surcharges in all manifests and trip sheets required under Section 30-468 and post fuel surcharges pursuant to Section 30-473(h) of the Code of Miami-Dade County.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. PST

Peter S. Tell

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)(1)(E)
7-22-03

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-853-03

RESOLUTION RESCINDING RESOLUTION R-130-99, ESTABLISHING NEW REVISED MAXIMUM RATES FOR TOWING, RECOVERY AND STORAGE OF VEHICLES AT THE REQUEST OF PRIVATE PROPERTY OWNERS, POLICE AGENCIES, AND ALL OTHER TOWS WITHOUT PRIOR CONSENT OF THE VEHICLE OWNER OR A DULY AUTHORIZED DRIVER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the maximum uniform rates for towing, recovery and storage of abandoned or unauthorized vehicles at the request of the owners of private property on which the vehicles are parked and for non-consent police ordered tows are hereby established as follows:

Section 1. Resolution No. R-130-99, adopted on February 2, 1999, is rescinded.

Section 2. **Definitions.**

For the purpose of this resolution, the following definitions shall apply:

1. "Administrative Fee" shall mean the fee that is charged for title and lien search, advertising costs, and notification of lien holder and owner of the whereabouts and charges against a vehicle or vessel.
2. "Extra Labor Time" shall mean the amount of manpower that is reasonably needed above and beyond the operator of the tow truck to safely effect the removal of a vehicle or its load from the scene of an accident or other incident requiring a tow. Extra labor shall also include "load and offload" time, such as when special circumstances arise in which additional time is necessary to

"offload" the vehicle at the storage facility or other location. All special "load and offload" circumstances must be approved by the officer on the scene. No travel time shall be included.

3. "Waiting Time" shall mean the amount of time spent at a scene when a tow truck and operator have been summoned and are on the scene but unable to proceed through no fault of the tow truck operator. No travel time shall be included.

Section 3. Categories and Maximum Rates for Towing Services.

A. Class "A" Private Property Trespass Tows. Set forth below are the maximum rates for providing recovery, towing and removal services at the request of a property owner or his or her authorized representative without the prior consent of the vehicle owner or other authorized person in control of the vehicle:

Class "A" Tow Vehicle.

a. Maximum Rate.....$97.00

b. Rate if released on scene.....$48.50

c. No ancillary fees are authorized.

d. Twelve (12) months after the effective date of this resolution, the Maximum Rate shall be adjusted by the percentage increase in the Consumer Price Index (All Urban Customers- Area: Transportation) in the preceding twelve (12) month period, rounded to the nearest dollar, and the rate if released on scene shall be adjusted to one-half that amount.

B. Class "A" Other Tows Without Consent. Set forth below are the maximum rates for providing recovery, towing and removal services for all other tows without the prior consent of the vehicle owner or a duly authorized driver of the vehicle including, but not limited to, those performed at the request of a police agency:

Class "A" Tow Vehicle.

a. Tow Rate (hook-up and 1st ½ hr. at scene).....$97.00

b. Per towed Mile after first 5 miles .....$ 3.00

c. Extra labor/waiting time at scene (after first ½ hour) per ¼ hour thereafter.....$24.25

C. **Classes "B", "C" and "D" Private Property Trespass Tows and All Other Tows Without Consent.** Set forth below are the maximum rates for providing recovery towing and removal services for Private Property Trespass Tows and all other tows without the prior consent of the vehicle owner or a duly authorized driver of the vehicle including, but not limited to, at the request of a police agency:

1. **Class "B" Tow Vehicle**
   a. Tow Rate (hook-up and 1st ½ hour at scene) $165.00
   b. Per Towed Mile after first 5 miles $3.50
   c. Extra Labor/waiting time at scene (after first ½ hour) per ¼ hour thereafter .....$ 41.25
2. **Class "C" Tow Vehicle**
   a. Tow Rate (hook-up and 1st ½ hour at scene) $235.00
   b. Per Towed Mile after first 5 miles $4.50
   c. Extra Labor/waiting time at scene (after first ½ hour) per ¼ hour thereafter $58.75
3. **Class "D" Tow Vehicle**
   a. Tow Rate (hook-up and 1st ½ hour at scene).....$300.00
   b. Per Towed Mile after first 5 miles.....$5.50
   c. Extra Labor/waiting time at scene (after first ½ hour) per ¼ hour thereafter $75.00

D. **Miscellaneous other Charges Applicable to Classes "A", "B","C", and "D" above:**

1. **Lowboy Services**
   a. Tow Rate (hook-up and 1st ½ hour at scene.....$235.00
   b. Per Towed Mile after first 5 miles .....$ 4.50
   c. Extra Labor/waiting time at scene (after first ½ hour) per

¼ hour thereafter.....$58.75

2. **Dollies**

Class "A" (except Private Property Tows) .....$35.00 Per Job

3. **Underwater Recovery Salvage Divers**

a. For First Hour/per diver.....$125.00

b. For each additional 15 minutes.....$31.25

Per ¼ hour or any fraction thereof over the first hour/per diver.

E. Administrative Fee:

a. After First 24 hours.....$30.00 Per Vehicle

b. All actual fees imposed by a state for obtaining pertinent ownership information and actual postage fees will be in addition to a. above.

F. Storage Rates:

The following rates shall be set for the storage of vehicles. However, pursuant to section 713.78 (2), Florida Statutes, no storage fee shall be charged if the vehicle is stored for less than six (6) hours, rather than by calendar day.

1. **Inside Storage**

a. Cars and Vehicle/Trailer 0-20 feet.....$25.00 Per Day

b. Any Vehicle/Trailer over 20 feet.....$40.00 Per Day

c. Motorcycles and Scooters.....$12.00 Per Day

2. **Outside Storage**

a. Cars and Vehicle/Trailer 0-20 feet .....$20.00 Per Day

b. Any Vehicle/Trailer over 20 feet.....$35.00 Per Day

c. Motorcycle and Scooters.....$10.00 Per Day

G. Other Rates:

No other rates other than those listed herein will be levied against the vehicle owner or authorized representative for Class "A" and "B" towing and recovery. For Class "C" and "D"

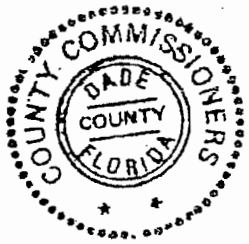
specialized recovery, the towing companies' prevailing rates will apply. Examples of this service include, but are not limited to, hazardous material recovery, aircraft recovery, and air cushion recovery.

The foregoing resolution was offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson aye
Katy Sorenson, Vice-Chairperson aye

Bruno A. Barreiro	aye	Jose "Pepe" Diaz	nay
Betty T. Ferguson	aye	Sally A. Heyman	absent
Joe A. Martinez	nay	Jimmy L. Morales	nay
Dennis C. Moss	aye	Dorrin D. Rolle	aye
Natacha Seijas	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of July, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

By: KAY SULLIVAN
Deputy Clerk

Jeffrey P. Ehrlich