

Memorandum



Date: November 9, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Amendment to Maximum Allowable Rates for providing Immobilization, Non-Consent Towing, and Storage Services

GO
Agenda Item No. 1E4

Recommendation

It is recommended that the Board approve the attached amendment to Article III of Chapter 30 of the Code of Miami-Dade County establishing revised maximum towing rates for Class A, B, C and D vehicles for companies providing towing services from private property at the request of the property owner, but without the consent of the vehicle owner, and revised maximum towing rates for Class A, B, C, and D vehicles for companies providing nonconsensual towing services requested by a police agency.

Scope

The proposed ordinance applies countywide except, as provided in Section 30-478 of the Code, in municipalities that have established differing rates for their jurisdictions. The following municipalities fall under this exception: Miami, North Miami, Miami Beach, Coral Gables, and Opa Locka.

Fiscal Impact/Funding Source

The proposed amendment has no fiscal impact on Miami-Dade County.

Track Record/Monitor

The Consumer Services Department is responsible for administering the County's towing regulations.

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's owner or authorized operator. The law also requires the establishment of maximum fees for removal and storage of wrecked or disabled vehicles from an accident scene, or for 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. Counties are prohibited from regulating rates for voluntary tows.

Article III of Chapter 30 of the Code of Miami-Dade County, which sets forth the County's towing regulations, requires the Board of County Commissioners to establish the maximum rates for non-consent tows. Maximum rates provide a rate ceiling, although individual towers may establish rates that are lower than the maximum permitted rates. The charge for towing and storage of vehicles is determined by the gross weight of the vehicle being towed, which in turn determines the size of the tow truck required. The vast majority of tows are Class "A", which covers most consumer vehicles.

On July 22, 2003, the Board adopted Resolution No. R-853-03 increasing the maximum rates set in 1999. This resolution allowed for one automatic increase in the Class "A" rate based on the Consumer Price Index (CPI) after 12 months. Additionally, on June 2, 2008, the Board adopted

Resolution No. R-621-08 that authorized towing companies to charge up to a \$3.00 per tow fuel surcharge. The rates for storage and mileage, with the exception of Class D mileage, have not been adjusted since 1993. Class B, C, and D rates do not affect average consumers and relate to oversized vehicles such as dump trucks, buses and tractor trailers, typically commercial vehicles, representing a minor percentage of all tows.

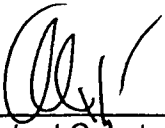
The Consumer Price Index (CPI) for transportation services has increased more than 16% since 2004. As a result of continuing discussion with industry, the attached chart highlights the major changes being recommended:

Class A	\$104*	\$115
Class B	\$168*	\$185
Class C	\$238*	\$265
Class D	\$308*	\$340
Storage: Inside/Outside vehicle/trailer <= 20 feet, in 24 hour increments after the first 6 hours	\$25/\$20	\$30/\$25
Storage: Inside/Outside vehicle/trailer 20-30 feet, in 24 hour increments after the first 6 hours	\$40/\$35	\$45/\$40
Storage: Inside/Outside vehicle/trailer >30 feet, in 24 hour increments after the first 6 hours	\$40/\$35	\$50/\$45
Administrative Fee after 24 hours	\$30 plus actual fees for obtaining ownership information and postage	\$30 plus actual fees for obtaining ownership information and postage, but not exceeding \$55 in total
Extra Labor/Waiting Time at Scene (except Class A private property impounds)	25% of the maximum rate (after first 30 minutes) in 15 minute intervals	25% of the maximum rate (after first 15 minutes) in 15 minute intervals

The proposed ordinance provides that the maximum rates will be reviewed every three years and that maximum towing rates will henceforth be established by ordinance instead of by resolution.

A matrix that compares current and proposed Miami-Dade County rates with those of other jurisdictions is attached. While these adjustments also establish the maximum rates for police directed tows, the amendments do not change any provisions of existing contracts that may establish lower rates.

Attachment



 Assistant County Manager

Maximum Allowable Towing, Storage and Administrative Fees -- Comparative Rates

Conducted By Consumer Services Department	Non-Consent Towing Rates				Daily Storage Rates				Admin Fee
CLASS MAJOR FLORIDA COUNTIES	A	B	C	D	A In/Out	B In/Out	C In/Out	D In/Out	Lien/ Title Fee
Miami-Dade-10 (proposed)	\$115	\$185	\$265	\$340	\$30/\$25	\$40/\$35	\$50/\$45		\$30-\$55
Miami-Dade-08 (current)	\$104	\$168	\$238	\$308	\$25/\$20	\$40/\$35	\$40/\$35		\$30
Brevard County	\$114	\$200	\$302	\$457	\$29/\$29	\$34/\$32	\$66/\$54	\$68/\$68	\$30
Broward County	\$105	\$175	\$300	\$400	\$30/\$30	\$43/\$43	\$50/\$50		\$30
Collier County	\$90	\$125	\$185	\$225	\$32/\$30	\$32/\$30	\$32/\$30	\$32/\$30	\$30
Duval County (Jacksonville)	\$92	\$105	\$375		\$23/\$20	\$31/\$26	\$46/\$33		\$60
Hillsborough County	\$100	\$120	\$250		\$25/\$25	\$35/\$35	\$55/\$55		\$45
Lee County	\$100	\$135	\$200		\$30/\$25	\$30/\$25	\$45/\$40		
Manatee County	\$100	\$150	\$200		\$25/\$25	\$30/\$30	\$50/\$50		\$45
Orange County	\$125	\$250	\$375	\$500	\$20/\$20	\$30/\$30	\$60/\$60	\$60/\$60	
Palm Beach Co. - Police	\$155	\$229	\$343	\$492	\$35/\$25	\$35/\$25	\$50/\$35	\$50/\$35	\$35
Palm Beach Co. - Priv.	\$114	\$201	\$286	\$286	\$35/\$25	\$35/\$25	\$50/\$35	\$50/\$35	\$35
Pinellas County	\$100	\$200	\$300	\$400	\$20/\$20	\$30/\$30	\$60/\$60	\$60/\$60	\$30
Polk County	\$100	\$96	\$155						
Seminole County	\$112	\$224	\$336	\$448	\$20/\$20	\$40/\$40	\$60/\$60	\$80/\$80	\$35
Volusia County	\$100	\$200	\$300	\$400	\$25/\$20	\$30/\$25	\$60/\$55	\$60/\$55	
Average Rate for all Counties	\$107.40	\$171.84	\$276.36	\$391.55	\$26/\$24	\$33/\$31	\$53/\$49	\$53/\$49	\$39.00
Average Rate for Comparable Counties (Orange, Broward, Palm Beach)	\$114.67	\$208.67	\$320.33	\$395.33	\$28/\$25	\$36/\$25	\$53/\$48	\$53/\$48	\$33.00

Opa Locka	\$88	\$135	\$175	\$200	\$25/\$20	\$25/\$20	\$25/\$20	\$40/\$35	\$30
Miami Beach	\$115	\$145	\$175	\$200	\$30/\$25	\$30/\$25	\$30/\$25	\$30/\$25	\$30
North Miami	\$88	\$150	\$175		\$25/\$20	\$40/\$35	\$40/\$35		
Coral Gables	\$149	\$149	\$149	\$149					
City of Miami	\$68	\$79	\$105	\$131	\$12.50	\$12.50	\$12.50	\$12.50	\$10.50
Average Rate for all Cities	\$102	\$132	\$156	\$170	\$23/\$19	\$27/\$23	\$27/\$23	\$27/\$24	\$29

Databases, Tables & Calculators by Subject

FONT SIZE:

Change Output Options: From: 2004 To: 2010

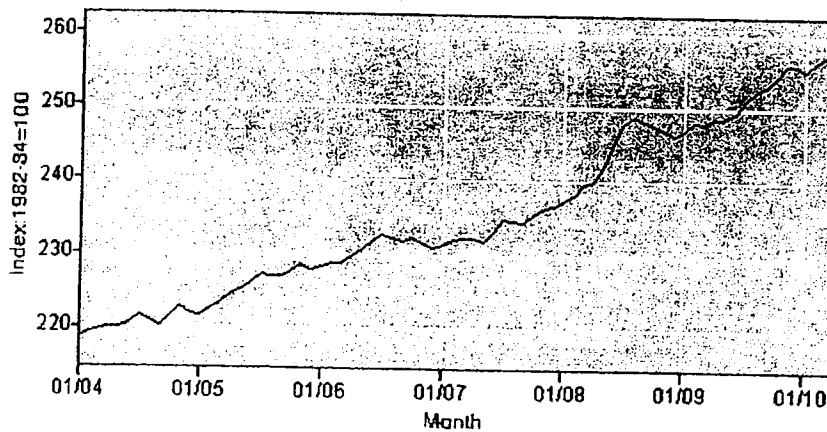
include graphs

[More Formatting Options](#)

Data extracted on: June 16, 2010 (9:37:00 AM)

Consumer Price Index - All Urban Consumers

Series Id: CUUR0000SAS4, CUUS0000SAS4
 Not Seasonally Adjusted
 Area: U.S. city average
 Item: Transportation services
 Base Period: 1982-84=100



Download: .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2004	218.7	219.3	219.7	220.0	220.0	220.5	221.6	220.8	220.1	221.4	222.8	221.8	220.6	219.7	221.4
2005	221.7	222.4	223.3	224.4	225.1	226.0	227.1	227.0	227.0	227.6	228.4	227.8	225.7	223.8	227.5
2006	228.2	228.7	228.8	229.6	230.7	231.8	232.7	232.2	231.7	232.3	231.5	230.8	230.8	229.6	231.9
2007	231.367	232.077	232.200	232.217	231.777	233.202	234.632	234.563	234.322	235.458	236.449	236.504	233.731	232.140	235.321
2008	237.347	237.929	239.556	240.150	242.343	245.759	247.869	248.806	248.047	247.762	247.030	246.287	244.074	240.514	247.634
2009	247.006	248.114	247.912	248.696	248.628	249.194	251.184	252.234	253.001	254.449	255.935	256.014	251.031	248.258	253.803
2010	255.216	256.365	257.337	258.384											



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 20, 2010

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

SUBJECT: Agenda Item No. 4(D)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 4(D)

Veto _____

7-20-10

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO TOWING OF MOTOR VEHICLES; AMENDING CHAPTER 30 ARTICLE III OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING SECTION 30-476 RELATING TO MAXIMUM ALLOWABLE RATES FOR PROVIDING IMMOBILIZATION, NON-CONSENT TOWING, AND STORAGE SERVICES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30-476 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 30-476. Maximum immobilization, nonconsent towing and storage rates for providing immobilization or tow services at the request of property owners or police agencies.

- (a) The Commission ~~[[shall by resolution, establish]]~~ >>hereby establishes the<< maximum rates for providing immobilization, recovery, nonconsent towing, removal and storage services at the request of a police agency, or a property owner or authorized representative, without the prior consent of the vehicle owner or other authorized person in control of the vehicle. The rates established shall be uniform throughout Miami-Dade County, both in incorporated and unincorporated areas, except where municipalities pursuant to Sections 125.0103 and 166.043, Florida Statutes, have established differing maximum rates for their jurisdictions. From time to time, the maximum

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

rates established by the Commission may be altered, revised, increased or decreased.

>>MAXIMUM ALLOWABLE RATES FOR VEHICLE IMMOBILIZATION, NONCONSENT TOWING AND STORAGE

Private Property Impound and Police Directed Tow

<u>Class A</u>	<u>\$115.00</u>
<u>Rate if Released at Scene</u> <u>(Private property impound</u> <u>only)</u>	<u>\$57.50</u>
<u>Class B</u>	<u>\$185.00</u>
<u>Class C</u>	<u>\$265.00</u>
<u>Class D</u>	<u>\$340.00</u>

No other fees other than those approved in this article may be assessed and imposed for any non-consent towing service.

Per Mile Fee for Police Directed Tow (after first five miles)

<u>Class A</u>	<u>\$3.00</u>
<u>Class B</u>	<u>\$3.50</u>
<u>Class C</u>	<u>\$4.50</u>
<u>Class D</u>	<u>\$5.50</u>

Additional Time at Scene for Police Directed Tow

<u>Class A</u>	<u>\$28.75</u>
<u>Class B</u>	<u>\$46.25</u>
<u>Class C</u>	<u>\$66.25</u>
<u>Class D</u>	<u>\$85.00</u>

First one-quarter hour to be included in the initial cost per call. Charges are in fifteen minute intervals. Written documentation and approval of the investigating law enforcement agency or officer is required.

Daily Storage Rates

No storage charges shall be charged if the vehicle is stored for less than six (6) hours. The storage rate charges shall be based upon each twenty four (24) hour increment, after the first six (6) hours.

	<u>Inside Storage</u>	<u>Outside Storage</u>
<u>Vehicle/Trailer 0-20 feet</u>	<u>\$30.00</u>	<u>\$25.00</u>
<u>Any Vehicle/Trailer 20-30 feet</u>	<u>\$40.00</u>	<u>\$35.00</u>

<u>Any Vehicle/Trailer over 30 feet</u>	<u>\$50.00</u>	<u>\$45.00</u>
<u>Motorcycle and Scooters</u>	<u>\$12.00</u>	<u>\$10.00</u>

Administrative Fee

Administrative fees may not be imposed if the vehicle has been in storage for less than twenty-four hours (24hrs.)

Administrative fees shall be \$30 and the actual costs for title and lien searches, postage, advertising, and notification of lien holder and owner of the whereabouts and charges against the vehicle or vessel. Notwithstanding, the total administrative fees assessed shall not exceed \$55.

Underwater Recovery Salvage Divers

<u>For First Hour / per diver</u>	<u>\$125.00</u>
<u>For each additional 15 minute interval</u>	<u>\$31.25</u>
<u>Performed by a certified professional diver with the written documentation and approval of the investigating law enforcement agency or officer.</u>	

Hazardous Material Clean-Up (Class C & D Only)

Hazardous material clean-up and disposal as required, mandated and/or licensed through state or local laws and approved by the investigating law enforcement agency or officer. Towing company's prevailing rates will apply.

Dollies

<u>Class A (except private property tows)</u>	<u>\$35.00 per job</u>
---	------------------------

Lowboy Services (Class C Special)

<u>Tow Rate (hook-up and first ¼ hour at scene)</u>	<u>\$265.00</u>
<u>Per Towed Mile after first 5 Miles</u>	<u>\$4.50</u>
<u>Additional Labor/Waiting Time at Scene (after first ¼</u>	<u>\$66.25</u>

hour) per ¼ hour thereafter

Removal of Vehicle Immobilization or Booting Device

<u>Removal Rate</u>	<u>\$65.00</u>
<u>Removal Rate where Device Operator is still at Scene<<</u>	<u>\$32.50</u>

(b) Persons who provide nonconsent towing services shall not charge in excess of the maximum allowable rates established~~[[by the Commission]]~~. No person providing services pursuant to this section shall charge any type of fee other than the fees ~~[[for which the Commission has]]~~ established >>herein<<~~[[specific rates]]~~.>> All maximum allowable rates, as described in Section 30-476(a), imposed before the effective date of this ordinance are ratified, validated, and confirmed in all respects, from the date any such fee was charged, billed, or collected. <<

* * *

>>(d) The CSD shall, every three years, investigate and prepare a report concerning the existing rates. Said investigation shall specify the relative changes in the consumer price index over the preceding three-year period and shall quantify what rates would be if the currently approved maximum allowable towing rates were adjusted for such change. The CSD's report shall be forwarded to the County Mayor who shall prepare a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the CSD's report, the County Mayor's recommendation, and all evidence produced at the hearing and, by ordinance, shall determine and set the appropriate rates as may be in the public interest. Appeals of the Board of County Commissioners' decision shall be in accordance with the Florida Rules of Appellate Procedure for review of administrative action.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby

ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be 'JAT', is written over a horizontal line.

Prepared by:

Peter S. Tell