

Memorandum



Date: November 9, 2010

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

From: George M. Burgess
County Manager

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

GO
Substitute to
Agenda Item No. 1E4

This substitute differs from the original in that the administrative fee that may be charged after 24 hours is adjusted from \$30 to \$35, the actual costs charged for determining vehicle ownership and other expenses must be supported by documentation, and a proposed cap on the combined administrative fee and actual costs is eliminated. The per mile charge is also adjusted by 50 cents. These changes are incorporated into the memorandum. Resolution No. R-853-03 establishing the existing rates is attached and additional data has been included in the rate comparison attachment.

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" non-consensual private property 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 the administrative fee, 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:

Category	Current Rate *with \$3 Fuel Surcharge	Proposed Rate
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	\$40/\$35
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	\$35 plus actual documented fees for obtaining ownership information and postage
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
Per Mile Charge (after first 5 miles police directed tows)	Class A – \$3.00 Class B – \$3.50 Class C – \$4.50 Class D – \$5.50	Class A – \$3.50 Class B – \$4.00 Class C – \$5.00 Class D – \$6.00

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.

Honorable Chairman Dennis C. Moss
and Members Board of County Commissioners
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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									
CLASS MAJOR FLORIDA COUNTIES	Non-Consent Towing Rates				Daily Storage Rates				Admin Fee
	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	\$50/\$45	\$35
Miami-Dade-08 (current)	\$104	\$168	\$238	\$308	\$25/\$20	\$40/\$35	\$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	\$50/\$50	\$30
Collier County	\$90	\$125	\$185	\$225	\$32/\$30	\$32/\$30	\$32/\$30	\$32/\$30	\$100
Duval County (Jacksonville)	\$92	\$105	\$375	\$375	\$23/\$20	\$31/\$26	\$46/\$33	\$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	\$200	\$25/\$25	\$30/\$30	\$50/\$50	\$50/\$50	\$45
Orange County	\$125	\$250	\$375	\$500	\$20/\$20	\$30/\$30	\$60/\$60	\$60/\$60	\$45
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	\$374.21	\$26/\$24	\$33/\$31	\$53/\$49	\$56/\$52	\$46
Average Rate for Comparable Counties (Orange, Broward, Palm Beach)	\$114.67	\$208.67	\$320.33	\$395.33	\$28/\$25	\$36/\$33	\$53/\$48	\$53/\$48	\$37
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	\$24

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Databases, Tables & Calculators by Subject

FONT SIZE

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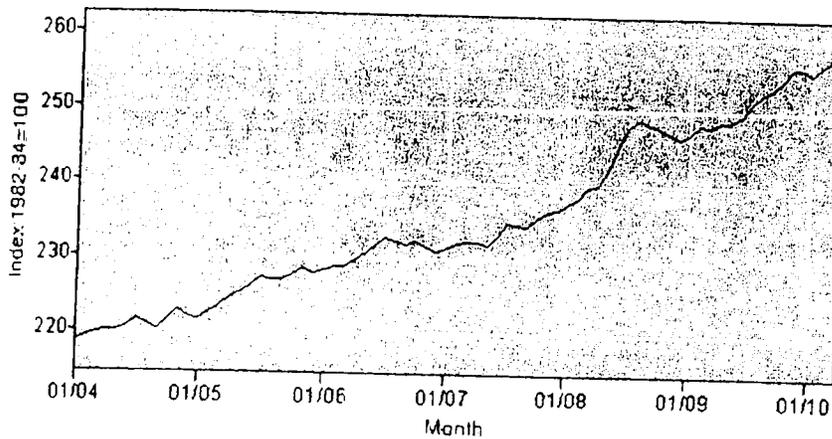
include graphs

[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											

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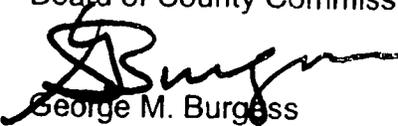
MEMORANDUM

Agenda Item No. 7(C)(1)(E)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 22, 2003

SUBJECT: Resolution Establishing
Maximum Rates for Towing Vehicles
at the Request of Property Owners
And Police Agencies

FROM: 
George M. Burgess
County Manager

RECOMMENDATION

It is recommended that the Board approve the attached Resolution rescinding Resolution No. R-130-99 and 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 a revised maximum towing rate for Class A, B, C, and D vehicles for companies providing nonconsensual towing services requested by a police agency.

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 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", which covers most consumer vehicles.

On February 2, 1999, the Board adopted Resolution No. R-130-99 that increased the maximum rate set in 1993 for Class A tows from \$80 to \$88. All other rates have been in effect since 1993. It is appropriate to consider an adjustment of the rates to reflect changes in the cost of doing business due to inflation, the cost of fuel and insurance. The Consumer Price Index (CPI) for Transportation has increased an average of 2.5% annually since rates were last reviewed.

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At its meeting of May 15, 2003, in connection with a discussion of proposed amendments to the towing ordinance and reinstatement of the towing licensing program, the Transportation Committee directed staff to review maximum towing rates and prepare a recommendation within 60 days. At the Transportation Committee meeting of June 12, 2003, staff recommended an increase in Class A, B, C, and D maximum towing rates to levels approximating the increase in the CPI since the last revision. Several towers objected to the recommended rates indicating that they didn't go far enough to address their concerns. The Committee requested that staff continue working with industry to try and resolve outstanding issues and deferred the item to July 17, 2003.

As a result of continuing discussion with industry, the attached resolution recommends the following:

1. The resolution reflects a 10-day effective date rather than a delayed effective date of October 10, 2003 as originally proposed.
2. The recommended rate for Class A tows remains \$97, an increase of 10% from the current rate of \$88; however, the resolution allows for a single automatic adjustment in twelve months by the percentage increase in the Consumer Price Index (CPI) for Transportation. With annual CPI increases averaging 2.5%, it is expected that the rate would rise to approximately \$100 at that time.
3. Class C tows are recommended at \$235 and Class D at \$300 from their current rates of \$175 and \$200, respectively. These classes 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 waiting time rates for Class C and D equal one quarter of the tow rate and change accordingly. The Class D per mile rate is increased from \$4.50 to \$5.50. Lowboy tows are recommended at \$230 to remain consistent with the Class C tow. Lowboys are specialized trailers designed to carry large vehicles. Although some communities do not regulate Class C and D rates, staff believes retaining maximum rates is appropriate.
4. Daily storage rates are calculated based on vehicle size and remain unchanged. Vehicles under 20 feet are assessed a rate of \$25 for inside storage and \$20 for outside. Vehicles exceeding 20 feet remain at \$40 inside and \$35 outside.

A matrix which 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. We understand Florida Highway Patrol contract rates to be pegged to approved County rates.

Some members of industry do not agree with the proposed rates for Class A, storage, and the administrative fee. They seek a rate of \$110 for Class A, a \$3 increase in storage, and an increase of at least \$5 in the administrative charge. Staff does not recommend these changes because of the impact on consumers.

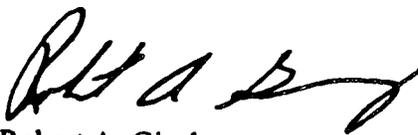


MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 22, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)(1)(E)

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. 7(C)(1)(E)
7-22-03

RESOLUTION NO. _____

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.

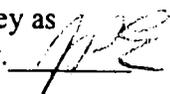
The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|---------------------------------------|------------------|
| Dr. Barbara Carey-Shuler, Chairperson | |
| Katy Sorenson, Vice-Chairperson | |
| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Betty T. Ferguson | Sally A. Heyman |
| Joe A. Martinez | Jimmy L. Morales |
| Dennis C. Moss | Dorin D. Rolle |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

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: _____
Deputy Clerk

Jeffrey P. Ehrlich

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

Class	Non-Consent Towing Rates					Per Mile Rates					Daily Storage Rates				Lien/ Title Fee
	A	B	C	D	Hours Free	A	B	C	D	Miles Free	A In/Out	B In/Out	C In/Out	D In/Out	
Miami-Dade County - CURRENT RATES	88	150	175	200	.5	3.00	3.50	4.50	4.50	5	25/20	25/20	40/35	40/35	30
Miami-Dade County - PROPOSED 6/12/03	97	185	193	220	.5	3.00	3.60	4.50	4.50	5	25/20	25/20	40/35	40/35	30
Miami-Dade County- REVISED	97 Increases in 12 months in accordance with CPI	185	235 Lowboy tow rates also increase from 175 to 235	300	.5	3.00	3.50	4.50	5.50	5	25/20	25/20	40/35	40/35	30
Brevard County - 2003	100	175	250	400	.5	2.75	3.50	4.70	6.00	10	25/20	30/28	58/47	60/80	30
Broward County - 2003	78	112	145	180	.25	0	0	0	0	N/R	28/22	33/33	45/45	45/45	33
Collier County - 2003	90	125	185	225		2	3	4.50	5.50	0	32/30	32/30	32/30	32/30	N/R
Duval County (Jacksonville) - 03	83	95	200	N/R	.5	2.40	3	N/R	N/R	0	21/18	29/24	N/R	N/R	25
Glades County - 2003	125	200	300	400	.5	3	5	8	9	10	30/20	50/30	50/30	50/30	35
Hillsborough County - 2003	95	120	250	N/R	.5	3	3	5	N/R	0	20/20	30/30	50/50	N/R	40
Manatee County - 2003	100	150	200	N/R	.5	3	4	5	N/R	0	20/20	30/30	50/50	N/R	N/R
Orange County - 2003	110	200	300	400	Flat	3	4	5	6	0	20	30/30	60/80	60/80	30
Palm Beach Co. -2003	80	140	240	240	Flat	0	0	0	0	ALL	25/20	25/20	35/30	35/30	35
Pinellas County - 2003	100	200	300	400	Flat	3	3	3	3	0	20/20	30/30	60/80	60/60	30
Seminole County - 2003	100	200	300	400	Flat	3	4	5	6	15	15/15	30/30	45/45	60/60	30
COUNTY AVERAGE 2003	97	157	235	325	--	2.62	3.60	4.75	5.70	10	23/20	32/29	49/45	50/48	31

Dade Municipalities		Non-Consent Towing Rates					Per Mile Rates					Daily Storage Rates				
Class	A	B	C	D	Hours Free	A	B	C	D	Miles Free	A In/Out	B In/Out	C In/Out	D In/Out	Lien/ Title Fee	
Coral Gables -2003	88	N/R	N/R	N/R		N/R	N/R	N/R	N/R	N/R	20/10	20/10	N/R	N/R	N/R	
Hialeah -2003	85+20	120	150	180	.5	2.50	3.50	4.50	4.60	N/R	25/20	25/20	40/30	40/30	10	
Miami -2003	85+15 88	75+15 90	100+15 115	125+15 140		N/R	N/R	N/R	N/R	N/R	12/12	12/12	N/R	N/R	10	
Miami Beach -2003	95+20 115	N/R	N/R	N/R		N/R	N/R	N/R	N/R	N/R	20/20	20/20	N/R	N/R	N/R	
North Miami -2003	88	150	175	N/R		3.00	3.50	4.50	N/R	N/R	25/20	25/20	40/35	40/35	N/R	
DADE CITY AVERAGE 2003	80 (w/o City Fee) 83 (w/ City Fee)	115 (w/o City Fee) 120 (w/ City Fee)	142 (w/o City Fee) 148 (w/ City Fee)	153 (w/o City Fee) 160 (w/ City Fee)	.5	2.75	3.50	4.50	4.50	N/R	20/16	20/16	40/33	40/33	10	
NON-FLORIDA JURISDICTIONS	Non-Consent Towing Rates					Per Mile Rates					Daily Storage Rates					
Class	A	B	C	D	Hours Free	A	B	C	D	Miles Free	A In/Out	B In/Out	C In/Out	D In/Out	Lien/ Title Fee	
Atlanta, GA - 2003	95	N/R	N/R	N/R	Flat	0	0	N/R	N/R	Flat	10/10	N/R	N/R	N/R	N/R	
Boston, MA-2003	95	N/R	N/R	N/R	1	2.25	N/R	N/R	N/R	5	15/15	N/R	N/R	N/R	N/R	
Chicago, IL	150	250	250	250	Flat	N/R	N/R	N/R	N/R	N/R	10/10	10/10	60/60	60/60	N/R	
Knoxville, TN - 2003	75	125	200	N/R	Flat	N/R	N/R	N/R	N/R	N/R	13/13	20/20	20/20	N/R	N/R	
Mobile, AL - 2003	75	150	150	150	1.5	N/R	N/R	N/R	N/R	N/R	10/10	15/15	15/15	20/20	N/R	
New York City - 2003	100	N/R	N/R	N/R	72	Flat	N/R	N/R	N/R	N/R	3 Days Free; 10 after	N/R	N/R	N/R	Flat	
San Diego, CA -2003	79	105	138	N/R	.5	3	3	3	3	N/R	17/17	17/17	17/17	17/17	N/R	
OUTSIDE FLORIDA CITY AVERAGE 2003	96	158	188	200	-	1.75	1.50	3	3	-	12/12	16/16	15/13	32/32	-	

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MEMORANDUM

(Revised)

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

DATE: October 5, 2010

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

SUBJECT: Agenda Item No.

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.

Veto _____

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 may be charged for all non-police directed class tows except Class A.²<<

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

<u>Class A</u>	<u>\$>>3.50<<[[3.00]]</u>
<u>Class B</u>	<u>\$>>4.00<<[[3.50]]</u>
<u>Class C</u>	<u>\$>>5.00<<[[4.50]]</u>
<u>Class D</u>	<u>\$>>6.00<<[[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

² The difference between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted and words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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 \$35 and the actual documented 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.]]~~ Supporting documentation shall comply with the records requirements in Sections 30-468 and 470.

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>

Performed by a certified professional diver with the written documentation and approval of the investigating law enforcement agency or officer.

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>
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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>\$>>5.00<<[[4.50]]</u>
<u>Additional Labor/Waiting Time at Scene (after first ¼ hour) per ¼ hour thereafter</u>	<u>\$66.25</u>

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.<<

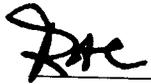
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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:



Prepared by:

TR for PST