

Memorandum



Date: November 9, 2010

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

From: George M. Burgess
County Manager

Subject: Amendment of Article III Chapter 30 of the Code of Miami-Dade County relating to the towing of motor vehicles

GO
Agenda Item No. 1E5 Sub

This substitute differs from the original in that it clarifies the documents that are required to obtain release of a towed vehicle in section 30-473 (o), eliminates the civil penalties for sections 30-484(b) and 30-485(a)(6), reduces the civil penalties for sections 30-485(a)(1) and 30-485(a)(3), and corrects scrivener's errors.

Recommendation

It is recommended that the Board approve the attached amendment to Article III, Chapter 30 of the Code of Miami-Dade County relating to the Towing of Motor Vehicles. The ordinance establishes a registration requirement for tow truck drivers, enhances insurance standards by requiring cargo on-hook coverage, updates civil penalties, clarifies inter-county requirements, adds consumer protection measures, and makes various housekeeping changes.

Scope

The proposed ordinance applies countywide except, as provided in Section 30-478 of the Code, provisions governing non-consensual tows from private property do not apply in municipalities that have their own non-consensual towing ordinances. The following municipalities fall under the exception: Miami, North Miami, Miami Beach, Coral Gables, and Opa Locka.

Fiscal Impact/Funding Source

The estimated revenue resulting from the proposed registration requirements for towing vehicle operators is \$46,000 annually, based upon a projected 1,500 registrants. In addition to the registration fees, tow truck drivers will be required to pay the actual cost for a FDLE background check. Expenses associated with the ordinance will be supported by this and existing revenue derived from licensing fees and fines.

Track Record/Monitor

The Consumer Services Department (CSD) administers the County's Towing of Motor Vehicles regulations.

Background


Miami-Dade County's towing regulations are contained in Article III, Chapter 30, of the Code originally enacted on July 11, 1989. Among other factors, the regulations set forth insurance levels, vehicle standards, records and trip manifest requirements, licensing and criminal background standards for business owners, and requirements governing non-consent tows, including the Board's establishment of maximum rates. Consent tows occur when a vehicle owner requests the towing service, while non-consent tows occur without the approval of a vehicle owner when the vehicle is improperly parked on private property. The Consumer Services Department (CSD) administers the towing licensing and regulatory program.

In 2003, the Board approved revisions to the Towing of Motor Vehicles regulations to eliminate non-safety related provisions of the Code. This was done to comply with restrictions placed on local governments by the United State Supreme Court.

CSD conducted a series of workshops and discussions with industry members and local police agencies to evaluate the current ordinance and make recommendations regarding changes. The attached ordinance is a result of those discussions, evaluation of consumer complaint records and company audits. The proposed ordinance recommends the following changes:

- The applicability of the regulations to towers domiciled outside Miami-Dade County is clarified. Presently, the Code allows a tower from outside the County to drop off a vehicle, and allows a tower not regularly doing business in the County to pick up a vehicle and remove it from the County. The amendment clarifies that a company whose principle place of business is outside Miami-Dade County is exempt from licensing, unless they perform intracounty or non-consent services.
- The present Code only requires licensing of towing business owners. The amendment requires registration by tow truck drivers/operators as well. Drivers are the individuals in control of the vehicle and with whom most consumers have contact. The regulations require verification of a valid Florida driver's license with the appropriate endorsements for the class of vehicle driven, driving record and criminal background standards for the five (5) year period preceding the application, and operating requirements. An initial waiver of the background requirements for drivers currently employed by licensed towing businesses is proposed. The registration fee will be set by implementing order.
- Insurance requirements in the present Code cover bodily injury and property damage arising from accidents. The standards are being updated to require \$50,000 of on-hook cargo liability coverage. This type of insurance covers vehicles while they are being towed, including while they are being hooked up, while they are being transported, and while they are being unhooked.
- The documents required for proving ownership to obtain the release of a vehicle that has been towed are clarified to prevent the unreasonable holding of a consumer's vehicle in storage.
- A disclosure statement is being recommended. The disclosure ensures that a consumer is aware that they are free to take their vehicle to any repair facility of their choosing. CSD receives complaints from consumers that relationships exist between certain towers and motor vehicle repair facilities that result in extra charges.

Towing complaints ranked fourth in the total number of consumer complaints received by the CSD in 2008 and 2009, with 212 and 204 complaints received respectively. The regulation of the towing industry serves to minimize abusive tactics.



Assistant County Manager



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 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING ARTICLE III TO INCLUDE TOWING OF VESSELS; AMENDING DEFINITIONS, LICENSE REQUIREMENTS, TOWING LICENSE APPLICATION REQUIREMENTS, ISSUANCE OF LICENSES, INSURANCE REQUIREMENTS, DECAL AND VEHICLE STANDARDS, AND MANIFEST OR TRIP RECORDS; CREATING REQUIREMENTS FOR THE ISSUANCE OF TOWING VEHICLE OPERATOR REGISTRATIONS; AMENDING CHAPTER 8CC OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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. Article III of Chapter 30 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

* * *

ARTICLE III. TOWING OF MOTOR VEHICLES >>AND VESSELS<<

Sec. 30-461. Definitions.

For the purposes of this article, the following definitions shall apply:

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.

* * *

>>(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.

(1.1) Authorized wrecker operator shall mean any wrecker operator who has been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.<<

[[(+)]>>(1.2)<< Commission shall mean the Board of County Commissioners of Miami-Dade County, Florida.

* * *

>>(5.5) Extra labor time shall mean the amount of manpower that is reasonably needed above and beyond the tow vehicle operator 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.<<

* * *

(8) License shall mean the certificate or document which allows a person to engage in Miami-Dade County in the activity of recovering, towing, removing and storing of vehicles >>in connection therewith<<[[for compensation]]. As used in this article, "license" shall not mean a municipal occupational license or a County occupational license.

* * *

(9) Operate shall mean to provide [[for compensation]] >>or offer<< the services of recovering, towing or removing vehicles and any vehicle storage services associated therewith.

- (10) *Operator* shall mean any person who provides ~~[[for compensation]]~~ >>or offers<< the services of recovering, towing, or removing vehicles and any vehicle storage services associated therewith.

* * *

- (19) *Tow* shall mean to haul, draw or pull along a vehicle by means of another vehicle equipped with booms, car carriers, winches or similar equipment >>on land<<.

>>(19.1) *Towing vehicle operator* shall mean a duly licensed driver registered with and authorized by the CSD to operate a towing vehicle for the purposes of recovering, towing, or removing vehicles or vessels.

(19.2) *Towing vehicle operator's registration* shall mean the certificate, document, picture ID, badge, or card issued by the CSD which allows a person to drive and operate a towing vehicle for the purposes of recovering, towing, or removing vehicles or vessels within Miami-Dade County.

(19.3) *Unauthorized wrecker operator* shall mean any wrecker operator who has not been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.<<

* * *

- (21) *Vehicle* shall mean an automobile, truck, bus, trailer, semitrailer, truck tractor semitrailer combination, recreational unit primarily designed as temporary living quarters which either has its own motive power or is mounted on or drawn by another vehicle, or any other mobile item using wheels and >>capable of<< being operated on the roads of Miami-Dade County >>whether or not the vehicle in tow is currently inoperable<<, which is used to transport persons or property and is propelled by power other than muscular power; provided, however, that the term does not include bicycles, mopeds, traction engines, road rollers or vehicles which run only upon a track. >>For the purposes of this article, the terms "Vehicle" and "Vessel" are used interchangeably.

- (21.1) Vessel shall mean every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a “documented vessel” as defined in Section 327.02(9) of the Florida Statutes. For the purposes of this article, the terms “Vehicle” and “Vessel” are used interchangeably.
- (21.2) Wait time shall mean the amount of time spent at a scene when a tow vehicle and operator have been summoned and are on the scene but unable to proceed through no fault of the tow vehicle operator. No travel time shall be included.<<
- (22) *Wrecker class* shall mean the type of towing vehicle, equipment or apparatus used to recover, tow or remove vehicles. The wrecker classes shall be distinguished as follows:

Part I

Tow Truck Class Specifications

Class A Tow Truck or Car Carrier--Minimum Ratings:

1. Gross vehicle weight ratings..... 10,000 LBS.
2. Boom capacity..... 8,000 LBS.
3. Winching capacity..... 8,000 LBS.
4. Cable size and length..... 3/8"× 100'
5. Wheel lift retracted rating..... 3,500 LBS.
6. Wheel lift extended ratings..... 2,000 LBS.
7. Tow sling safe lift rating..... 3,500 LBS.
8. Safety chains (2 EACH)..... 3/8" high test
9. Cab to axle dimension..... 56"

Class B Tow Truck--Minimum Ratings:

1. Gross vehicle weight ratings..... 18,000 LBS.
2. Boom capacity..... 24,000 LBS.
3. Winching capacity..... 24,000 LBS.
4. Cable size and length..... 1/2"× 200'
5. Under-reach retracted rating..... 10,500 LBS.
6. Under-reach extended ratings..... 8,500 LBS.
7. Tow sling safe lift rating..... 8,500 LBS.
8. Safety chains (2 EACH)..... 5/16" ALLOY
9. Cab to axle dimension..... 84"

Class C Tow Truck--Minimum Ratings:

1. Gross vehicle weight ratings..... 30,000 LBS.
2. Boom capacity..... 50,000 LBS.
3. Winching capacity..... 50,000 LBS.
4. Cable size and length..... 5/8"× 200'
5. Under-reach retracted rating..... 25,000 LBS.
6. Under-reach extended ratings..... 12,000 LBS.
7. Tow sling safe lift rating..... 12,000 LBS.
8. Safety chains (2 EACH)..... 1/2" ALLOY
9. Cab to axle dimension..... 144"

>>Class C Special (Lowboys, Landolls and similar equipment):

Businesses that utilize lowboys, landolls, and similar equipment shall be required to obtain a towing decal when used to perform towing services as defined in this article.<<

Class D Tow Truck--Minimum Ratings:

1. Gross vehicle weight ratings..... 52,000 LBS.
2. Boom capacity..... 70,000 LBS.
3. Winching capacity..... 70,000 LBS.
4. Cable size and length..... 3/4"× 200'
5. Under-reach retracted rating..... 45,000 LBS.
6. Under-reach extended ratings..... 15,000 LBS.
7. Tow sling safe lift rating..... 12,000 LBS.
8. Safety chains (2 EACH)..... 1/2"ALLOY
9. Cab to axle dimension..... 180"

>>(23) Wrecker operator system shall means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.<<

Sec. 30-462. Towing license required.

* * *

- (b) ~~[[Nothing in this article shall be construed to prohibit the discharge or storage of a vehicle lawfully recovered, towed or removed in another County and lawfully transported into Miami Dade County; nor shall anything in this article be construed to prohibit a vehicle owner or his authorized agent from requesting the services of a towing business not regularly doing towing business in Miami Dade County, to remove the owner's vehicle to a location outside Miami-Dade County.]]~~ >>Towing companies whose principle place of business is located outside Miami-Dade County that provide consent-only towing services in Miami-Dade County shall be exempt from the licensing provisions of this Ordinance, except that such towing companies are required to be licensed if the company picks-up and drops-off a vehicle or vessel solely within Miami-Dade County as one complete service. <<

* * *

- >>(d) This article shall not apply to vehicle repossession services provided that such services are consistent with the provisions of Chapter 493 of the Florida Statutes as may be amended from time to time. Towing vehicles regulated under this article shall not be used to conduct vehicle repossession services.<<

Sec. 30-463. Application for towing license; fees.

- (a) Every application for a towing license shall be in writing, signed and verified by the applicant, and filed with the CSD together with an investigative >>fee<<, processing fee, or late fee as applicable, established by ~~[[administrative]]~~ >>implementing<< order of the County Manager approved by the Commission. Th~~[[at]]~~>>e<< application fee shall be deposited in a separate Miami-Dade County fund and shall be used exclusively to accomplish the purposes of this article. The amount of the application fee shall be reasonably related to the cost of the services and regulation provided. The statements contained in the application shall become a part of the towing license and may be modified only in accordance with the provisions of this article.

(b) Every application for a towing license shall be on a form prescribed by the CSD and shall contain all the information required by that form, including but not limited to:

(1) Sufficient information to identify the applicant, including but not limited to, full legal name, date of birth or of formation of legal entity, telephone numbers, >>e-mail addresses<< and all business and residence addresses. If the applicant is a corporation, the foregoing information shall also be provided for each corporate officer, director, resident agent and shareholder. If the applicant is a partnership, the foregoing information shall also be provided for each general and each limited partner. Post office box addresses shall not be accepted.

* * *

(3) ~~[[Photocopy]]~~>>Photocopies<< of ~~[[the occupational license]]~~ >>Miami-Dade County and, where applicable, municipal local business tax receipts<< of the applicant.

(4) Photocopy of the certificate of use and occupancy of the applicant, indicating authorization for the business use of the applicant, for each business address located in ~~[[unincorporated]]~~ Miami-Dade County and identified in the application.

* * *

(9) A record of all outstanding warrants of arrest[;] >>and a record of all final dispositions of misdemeanors and felonies charged against each applicant within the last five (5) years. Applicants shall provide the final disposition for criminal cases on background checks received by the CSD from any source. In the case of a corporate or partnership applicant, all such information shall be provided by all corporate officers and directors, or partners, as the case may be, and by all stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in the corporation or beneficial interest therein, and by all officers and

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~~directors of any corporate general partners of a partnership and by stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in a corporate general partner, or beneficial interest therein. Failure to provide the disposition of such cases shall result in the denial of the application for a towing license. <<[[all misdemeanors committed within the preceding thirty six (36) month period; and felonies of which the applicant has been convicted within the last five (5) years preceding the date of the application involving: criminal homicide; kidnapping; a sexual offense; an assaultive offense; robbery; burglary; arson; fraud; theft if the offense was committed against a person with whom the applicant came in contact with while engaged in the services regulated by this section; public indecency; possession of a weapon; and a violation of any laws regarding controlled substances.]]~~

Individual applicants shall obtain their fingerprints and photographs from the Miami-Dade Police Department and provide them with the application [[and, where civil rights have been restored or periods of incarceration or probation have been completed, as is further described in subsections 30-477(e)(1) and (2) below, provide such information with the application]]. In the case of a corporate or partnership applicant, all such information shall be provided by all corporate officers and directors, or partners, as the case may be, and by all stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in the corporation or beneficial interest therein, and by all officers and directors of any corporate general partners of a partnership and by stockholders who own, hold or control five (5) percent or more of issued and outstanding stock in a corporate general partner, or beneficial interest therein.

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Sec. 30-464. Issuance of license; renewal.

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- (c) No towing license shall be issued to an applicant or renewed unless the applicant has completed the following:

* * *

- (3) Submitted to a background investigation resulting in a determination by the Director that:

* * *

- b. Neither the applicant, nor any officer, director or partner of the applicant, nor any stockholder owning, holding, controlling or having a beneficial interest in five (5) percent or more of the issued and outstanding stock of a corporate general partner of a partnership applicant, >>has pled nolo contendere, pled guilty, or been found guilty, regardless of whether adjudication has been withheld, of any felony within five (5) years immediately prior to the application for this license, or of three (3) or more misdemeanors involving theft or dismantling of motor vehicles or vessels, fraud, sex offense, illegal dealing or possession of narcotics, and any other crime involving moral turpitude within three (3) years prior to the application for this license.<<[[has been convicted of one (1) or more of the felonies listed in Section 30-463(b)(9) within the preceding five (5) years; or that three (3) misdemeanors having been committed within the thirty six (36) month period preceding the date of application as described in subsection 30-463(b)(9), unless the civil rights of such individual or applicant have been restored or that such person has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities and payment of all fines and penalties imposed. For applicants requesting renewal, the Director may only consider crimes committed after the date the applicant

~~obtained his or her license, unless such crimes were not previously disclosed in the original application.]]~~

* * *

[[3]]>>g.<< There are no (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the provisions of the Code of Miami-Dade County, Florida.

* * *

- (e) All initial towing licenses shall be effective from their date of issuance to the date of birth of the applicant, if the applicant is a sole proprietor, and in the case of a corporation or partnership, from the date of formation of the legal entity. The fee for the initial application shall be established by ~~[[administrative]]~~>>implementing<< order of the County Manager and approved by the Commission. The CSD shall, for each initial application, prorate the fee from the date of its issuance to the date of birth or date of formation of the applicant, whichever is the case.

- (f) Prior to the expiration of the initial towing license or expiration of the annual license, whichever is the case, an applicant may apply for an annual towing license. As a part of the renewal process, the original application shall be updated and verified by the applicant on forms prescribed by CSD. Renewal applications shall also include such financial information as CSD shall deem necessary to consider the continued appropriateness of maximum fees established pursuant to Section 30-476. Each updated renewal application shall be submitted at least sixty (60) days prior to expiration of the current initial or annual license and shall be accompanied by a fee which shall be established by ~~[[administrative]]~~>>implementing<< order of the County Manager approved by the Commission. All renewal application fees shall be deposited with original application fees and other charges and fees under this article in a separate Miami-Dade County fund and shall be

used exclusively to accomplish the purposes of this article. The amount of the renewal fee shall be reasonably related to the cost of the services and regulation provided, and shall be in addition to any other fees or charges required by this article. All annual towing licenses which are not renewed shall automatically expire upon the one (1) year anniversary of the date of issuance and all recovery, towing, removing and storage services permitted thereunder shall cease immediately. The Director shall deny each renewal application that is not timely, is not properly filed, is incomplete, is untrue in whole or in part, is unaccompanied by the required fee, or results in a determination by the Director that the applicant has failed to satisfy the requirements of subsection (c)(3) of this section.

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Sec. 30-465. Insurance requirements.

(a) It shall be unlawful for any person ~~[[for compensation or as part of a regularly conducted business activity]]~~ to recover, tow, or remove a vehicle or to provide vehicle storage services in connection therewith until that person has filed with the Director and maintains in effect, for each towing vehicle operated by that person, an insurance policy or policies or certificates of insurance which shall indemnify or insure such person for its liability at a minimum:

(1) For vehicles with a gross vehicle weight of less than eighteen thousand (18,000) pounds: automobile liability insurance covering each vehicle in an amount not less than fifty thousand dollars (\$50,000.00) per person, one hundred thousand dollars (\$100,000.00) per occurrence for bodily injury, ~~[[and]]~~ twenty-five thousand dollars (\$25,000.00) per occurrence for property damage or one hundred thousand dollars (\$100,000.00) combined single limit>>, and fifty thousand dollars (\$50,000.00) on-hook cargo liability coverage for each vehicle being towed<<.

(2) For vehicles with a gross vehicle weight of eighteen thousand (18,000) pounds or more, but less than thirty thousand (30,000) pounds: automobile

liability insurance covering each vehicle in an amount not less than one hundred thousand dollars (\$100,000.00) per person, three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury, ~~[[and]]~~ one hundred thousand dollars (\$100,000.00) per occurrence for property damage or three hundred thousand dollars (\$300,000.00) combined single limit >>, and fifty thousand dollars (\$50,000.00) on-hook cargo liability coverage for each vehicle being towed<<.

- (3) For vehicles with a gross vehicle weight of thirty thousand (30,000) pounds or more: automobile liability insurance coverage covering each vehicle in an amount not less than three hundred thousand dollars (\$300,000.00) per person, five hundred thousand dollars (\$500,000.00) per occurrence for bodily injury, ~~[[and-]]~~ one hundred thousand dollars (\$100,000.00) per occurrence for property damage or five hundred thousand dollars (\$500,000.00) combined single limit >>, and fifty thousand dollars (\$50,000.00) on-hook cargo liability coverage for each vehicle being towed<<.

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Sec. 30-467. Decals; vehicle standards.

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- (b) The Director is authorized to issue current licensee decals for each separate towing vehicle or equipment or car carrier, upon application by the licensee and completion of the following:

* * *

- (3) Inspection by personnel authorized by CSD to ascertain that the towing vehicle has the equipment required by rules to be promulgated by CSD and that such equipment is operable. If an inspection of the towing vehicle does not reveal that it meets the minimum ratings for the vehicle's class specifications, as contained in Section 30-461(22), the licensee must furnish the CSD a >>certified<<

~~[[sworn]]~~ statement >>from the vehicle manufacturer or qualified towing vehicle dealer<< that the towing vehicle meets the applicable minimum ratings.

* * *

- (5) Payment of a CSD decal fee set at an amount reasonably related to the costs of providing the services under this section. Such costs shall be set by ~~[[administrative]]~~ >>implementing<< order of the County Manager approved by the Commission, and deposited and used in the same manner as other fees and charges under this article.

* * *

Sec. 30-468. Manifest or trip records.

- (a) It shall be unlawful for any person to recover, tow or remove a vehicle or provide storage in connection therewith unless the person providing such service shall maintain in his or her possession a manifest or trip sheet which shall include but not be limited to the following information:

* * *

>>(2) A unique manifest or trip record number.<<

[[2]]>>(3)<< Decal number of the towing vehicle or equipment or car carrier used to provide the service.

[[3]]>>(4)<< Date and time that the service was requested.

[[4]]>>(5) Full<< [[N]] >>n<<ame, >>title,<< address and telephone number of the person requesting the service.

[[5]]>>(6)<< Date and time that the service was initiated >>to include a.m./p.m. designation<<.

[[6]]>>(7)<< Location >>including municipality<< at which the service originated.

[[7]]>>(8)<< Destination >>address<< to which the vehicle being provided the service is taken.

[[8]]>>(9)<< Description of the vehicle being provided the service, including make, model, year, color, vehicle identification number and State license plate number, if any.

[[9]]>>(10)<< Description of services provided.

[[10]]>>(11)<< Cost(s) for the service(s) provided.

[[11]]>>(12)<< Any and all "load and offload" charges, including the name, badge number, and agency of the officer on the scene who approved these additional charges.

[[12]]>>(13)<< Date and time that the vehicle was delivered to the storage facility.

>>(14) Date and time that the vehicle was released to vehicle owner or authorized driver which includes an a.m. or p.m. designation.

(15) A separate blocked section containing only the following statement in capitalized letters of at least 12-point type:

PLEASE READ CAREFULLY, INITIAL EACH STATEMENT BELOW AND SIGN:	
_____	<u>I ACKNOWLEDGE THAT I AM FREE TO TAKE MY VEHICLE TO ANY REPAIR FACILITY OR DESTINATION OF MY CHOOSING.</u>
_____	<u>I AM WILLFULLY CONSENTING TO AND AUTHORIZING THE RECOVERY, TOWING AND REMOVAL OF MY VEHICLE TO THE DESTINATION ADDRESS STATED HEREIN AND IN ACCORDANCE WITH THE PAYMENT TERMS DISCLOSED ON THIS FORM.</u>
_____	<u>I HAVE NOT BEEN INFLUENCED OR COERCED INTO MAKING THIS DECISION.</u>
SIGNED: _____	DATE: _____

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>>(d) The disclosure statement listed in section 30-468(a)(15) shall be presented to, initialed, and signed by the vehicle owner or duly authorized driver prior to the recovery, removal and towing of the vehicle. The disclosure statement need not be presented and signed if the recovery, towing or removal of the vehicle is conducted without the prior express instruction of the vehicle owner or authorized driver pursuant to sections 30-473, 30-474, and 30-475 of this article.<<

Sec. 30-469. Towing safety standards.

>>(a)<<It shall be unlawful for any person to recover, tow or remove a vehicle by use of a towing vehicle, equipment or car carrier in a manner which violates the standards for use of such towing vehicle, equipment or car carrier as set by the manufacturer thereof. It shall be unlawful to tow without the use of safety chains >>, straps, and tow lights in accordance with part 393 of the Federal Motor Carrier Safety Administration regulations.<<

>>(b)<<It shall be unlawful to operate a tow truck if the vehicle has failed to pass the critical items of any vehicle inspection performed by personnel authorized by the CSD, >>which shall include compliance with all of the requirements of this article,<< or if the owner thereof has failed to correct other inspection deficiencies within the time period specified by the CSD, or is operating without the proper insurance coverage. When a vehicle has failed to pass inspection, inspection deficiencies have not been corrected or when the vehicle is operating without the proper insurance coverage, personnel authorized by the CSD may >>issue a compliance status report or<< affix to the upper left corner of the vehicle windshield a notice stating the date of the inspection or action and the reasons for the inspection rejection or action >>in addition to any other enforcement action deemed necessary to attain compliance.<< It shall be unlawful for the licensee or any other person other than personnel authorized by the CSD to remove this >>affixed<< notice from the windshield of the vehicle.

- >>(c) Each person regulated under this article shall not operate or drive a towing vehicle or cause another person to operate or drive a towing vehicle unless that person obtains and maintains a valid towing vehicle operator's registration pursuant to the provisions of this article and a Florida driver's license with the required endorsements for the vehicle operated by the towing vehicle operator. All towing vehicle operators shall upon request by anyone duly authorized to enforce the provisions of this article, provide his or her driver's license in addition to the other records required by this article.
- (d) Each person regulated under this article shall not operate any towing vehicle while any of the following are not in good working condition: lighting device; brake; steering mechanism; tire; horn; windshield wiper; side or rearview mirrors.
- (e) It shall be unlawful for persons who provide services pursuant to this article to tow a vehicle when there is a natural person occupying the vehicle.<<

Sec. 30-470. Records required.

- >>(a)<<Each person regulated under this article [~~who performs noneconsent tows~~] shall maintain accurate and complete records of all financial and operating information as the CSD may require, including but not limited to manifests or trip records, invoices and statements for services rendered, and records of payments for services rendered. Such records shall be maintained for [~~in Miami Dade County~~] at least three (3) years >>at each place of business as required in Section 30-473(g).<< The CSD shall be granted access to these records for inspection or copying, during regular business hours. All records and information inspected and not copied shall be confidential, except that records may be copied or made public for the purpose of license suspension or revocation proceedings.
- >>(b) Each person regulated by this article shall employ only towing vehicle operators who have a valid Florida driver's license for the type of vehicle driven. These records shall be maintained at each place of business for the entire term of the towing vehicle operator's employment and for at

least six (6) months thereafter at each place of business as required in Section 30-473(g).<<

* * *

Sec. 30-473. ~~[[Nonconsent—t]]>>T<<owing without prior consent of vehicle owner or duly authorized driver of vehicle.~~

In addition to the other requirements of this article, no nonconsent tower shall recover, tow or remove a vehicle or provide storage in connection therewith without the prior express instruction of the vehicle owner or authorized driver, except in accordance with the following:

* * *

- (g) Persons who provide services pursuant to this section shall maintain a place of business. The place of business shall have a sign that clearly and conspicuously identifies the business >>name, address, telephone numbers, and hours of operation<< to the public; and office space that has at least one (1) person on duty from 8:00 a.m. until 6:00 p.m., Monday through Friday, to answer telephone calls and to be open to serve the public. However, the office may be closed to observe all holidays observed by Miami-Dade County government. The place of business shall maintain a telephone communication system to answer telephone calls from the public twenty-four (24) hours a day.

* * *

- (i) Persons who provide services pursuant to this section shall advise any vehicle owner or authorized representative who calls by telephone prior to arriving at the storage site >>and upon arrival at the storage site,<< of the following:

- (1) ~~[[Each and every document]]>>Documents required to establish satisfactory proof of vehicle ownership or authorization obtained from the vehicle owner<< ~~[[or other thing]]~~ which must be produced to retrieve the vehicle;~~

* * *

- (k) Persons who provide services pursuant to this section shall accept payment for charges from the vehicle owner or authorized representative in any of at least two (2) of the following listed categories:
- (1) Cash, money order or valid traveler's check;
 - (2) Valid bank >>debit and<< credit card >>(VISA and MasterCard must be accepted)<<; or
 - (3) Valid personal check showing on its face the name and address of the vehicle owner or authorized representative. >>If the address is not printed on the check, persons who provide services pursuant to this section shall request the vehicle owner or authorized representative to write the address on the check and furnish one (1) form of picture identification.

Should debit or credit card payment methods be unavailable then payment must be accepted in all the other payment categories listed.<<

A vehicle owner or authorized representative shall not be required to furnish more than one (1) form of picture identification when payment is made by valid bank >>debit or<< credit card or personal check, and said presentation shall constitute sufficient identity verification.

- (l) Persons who provide services pursuant to this section shall display on the same sign as the rate schedule required by subsection (h) of this section the following statement:

To The Vehicle Owner

If you believe that you have been overcharged for the services rendered, you do not have to pay your bill to get your ~~[[car]]~~->>vehicle or vessel<<. Instead, you have the right to post a bond in the Circuit Court, payable to (name of person providing service), in the amount of the final bill for services rendered, and file a complaint within five (5) days of the time you have knowledge of the location of the vehicle >>or vessel<<, and the Court will decide later who is right. If you show us a valid Clerk's certificate showing that you have posted a bond, we must release your vehicle

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>>or vessel<< to you immediately. This remedy is in addition to other legal remedies you may have. F.S. §§ 713.76, 713.78.

If you have a complaint about the way services were provided, you may call the Miami-Dade County Consumer Services Department >>(at current phone number).<<

* * *

>>(o) Persons who provide services pursuant to this section shall immediately release a vehicle to its owner or authorized representative upon proof that a bond has been posted with the circuit court to retrieve the vehicle; or full payment of all lawful outstanding charges >>submittal of a government-issued picture identification²<< and submittal of documents establishing proof of vehicle ownership or authorization obtained from the vehicle owner. ~~[[has been provided. The vehicle owner shall establish proof of vehicle ownership by submitting the vehicle owner's valid driver's license or other picture identification.]]~~

Proof of vehicle ownership or authorized agent shall be established by the submittal of:

- (1) The certificate of registration for the vehicle. For purposes of this section, if the vehicle is held in joint tenancy, signified by the vehicle being registered in the names of two or more persons, each co-owner is considered to have granted to each of the other co-owners the absolute right to retrieve the vehicle towed; or
- (2) The certificate of title for the vehicle. For purposes of this section, if the vehicle is held in joint ownership, signified by two or more persons holding title to the vehicle, each co-owner is considered to have granted to each of the other co-owners the absolute right to retrieve the vehicle towed.

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.

A person who is not the vehicle owner may also retrieve the vehicle, or remove personal property from the vehicle, if >>he or she<< [[~~they~~]] provides a notarized statement from the vehicle owner authorizing that person to act on the owner's behalf with respect to the towed vehicle[[~~a photo copy of the vehicle owner's valid driver's license or other picture identification; a copy of one of the documents mentioned in sections 30-473(o)(1) and 30-473(o)(2); and make, model, and year of the vehicle~~]]. >>A facsimile or electronic transfer of a notarized release statement from the vehicle or vessel owner shall be acceptable. <<

To release a rental vehicle, a person must present a copy of the current rental agreement and [[~~the corresponding~~]] >>a government-issued<< picture identification or driver's license of the driver bound to the rental agreement. Persons who provide services pursuant to this section will allow the driver of the rental vehicle supervised and limited access to the vehicle if the rental agreement was inside the vehicle at the time the vehicle was towed. In lieu of the foregoing, the rental company may provide written authorization naming the person who can pick up the vehicle.

(p) Upon vehicle owner or authorized representative request, all persons who provide services pursuant to this section shall >>immediately<< provide a bill with the towing business letterhead, disclosing the exact charges as of the time the request is made and the rate at which charges accumulate after such request.

>>(q) Persons who provide services pursuant to this section must accept any of the documentation listed in this section to establish vehicle ownership and/or custodianship. In the event that the above documentation is not available, persons providing services pursuant to this section may accept alternative documentation to establish vehicle ownership and/or custodianship.<<

* * *

Sec. 30-475. Requirements for licensees and property owners pertaining to nonconsent tows from private property.

* * *

- (b) A property owner or his or her authorized representative may cause a vehicle parked without authorization upon the property owner's property to be recovered, towed or removed from such property by a person licensed pursuant to this article, and shall not incur liability for the costs of recovery, towing or removal or storage associated therewith, under the following circumstances:

* * *

- (2) When notice is personally given to the vehicle owner or other authorized person in control of the vehicle that ~~[[the are in which that vehicle is]]~~ >>the property on which the vehicle is or will be<< parked is reserved or otherwise unavailable for unauthorized vehicles and subject to being removed ~~[[as]]>>~~ at<< the expense of the vehicle owner or authorized person in control of the vehicle; or

* * *

>>(e) No property owner or authorized representative shall post or display any sign that indicates or implies that a contract exists and is in effect between the property owner and a tower when such is not the case.<<

~~[[e]]>>~~ f<< Nothing in this section shall permit any property owner or authorized representative to request the recovery, tow or the removal of law enforcement, fire fighting, rescue squad, ambulance or other emergency vehicles marked >>or discernible<< as such.

~~[[f]]>>~~ g<< Any person who improperly causes a vehicle to be recovered, towed, removed or stored shall be liable to the vehicle owner or his authorized representative for the costs of the services provided, any damages resulting from the recovery, towing, removal or storage and attorney's fees.

* * *

Sec. 30-476.1. Denial, revocation and suspension of licenses >>or registrations.<<

The Director may deny, revoke, or suspend a license >>or registration<< issued pursuant to the provisions of this article if the

Director determines that the applicant>>, registrant<< or licensee has:

* * *

(b) Misrepresented or concealed a fact on the application, renewal application or replacement application for a license >>or registration<<, or

(c) Aided or abetted a person who has not obtained a license >>or registration<< to evade or avoid the provisions of this article, or

* * *

(e) Violated any condition, limitation, or restriction of a license >>or registration<< imposed by the Director, or

* * *

(i) In addition to the foregoing, a license >>or registration<< issued pursuant to this article shall be automatically suspended without a hearing when the CSD shall receive written notification that the >>registrant,<< licensee's officer, director or partner, or any other stockholder owning, holding, controlling or having beneficial interest in five (5) percent or more of the issued and outstanding stock of the licensee or of the issued and outstanding stock of a corporate partner of a partnership licensee, >>has pled nolo contendere, pled guilty, or<< has been convicted >>, regardless of whether adjudication has been withheld,<< of a felony ~~[[as listed in Section 30-463(b)(9)]~~ or ~~[[of]]~~ three (3) misdemeanors >>as listed in Section 30-464(3)(b)<< after receiving a license >>or registration<<. In addition to such suspension, the CSD shall forthwith initiate a hearing as hereinafter specified to consider revocation of such license >>or registration<<. ~~[[A licensee whose license has been suspended under this provision shall be entitled to reinstatement of his or her license upon proof that:~~

~~(1) After a felony conviction, the licensee's civil rights have been restored or that the licensee otherwise qualifies for restoration of rights under Section 940.05, Florida Statutes; or~~

~~(2) After a conviction of any other criminal offense, that the person convicted has successfully completed all sentences of incarceration, probationary periods, required rehabilitation activities, and payment of all fines and penalties imposed in connection with such criminal offense.]]~~

>>(j) Submitted an incomplete application.

(k) Failed to continue satisfying any of the conditions or requirements for which the license or registration was issued.

(l) Failed to pay a civil penalty within sixty (60) days of the due date for paying such fine as specified on the civil violation notice or within sixty (60) days of the date of the final outcome of any timely filed appeal of such violation notice, whichever is later.<<

Notwithstanding the foregoing, no revocation or suspension of a license >>or registration<< by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to this section, or until the time period for filing such appeal has expired, whichever is later.

>>The Director shall post a prominent "Closed by Order of the Miami-Dade Consumer Services Department" sign on any towing business that has had its license suspended, revoked, or is determined by the CSD to be operating without a license. It is a violation of this ordinance for any person to deface such sign or remove such sign without written authorization by the Director or for any towing business to open for operation without a license or to open for operation as a towing business while its license is suspended or revoked.<<

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Sec. 30-478. Scope of article.

The provisions of this article shall be the exclusive regulations applicable to the immobilization, recovery, towing and removal of vehicles in Miami-Dade County and all storage provided therewith; except that Section 30-473, "[~~None~~consent] Towing Without the Prior Consent of the Vehicle Owner or Duly Authorized Driver of Vehicle," Section 30-474 "Requirements for

Providing Nonconsent Tow Services at Request of Property Owners," Section 30-475 "~~[[Requirements for Property Owners Requesting Nonconsent Tows From Property]]~~>>Requirements for licensees and property owners pertaining to nonconsent tows from private property<<," and Section 30-479 "Requirements for immobilizing vehicles without prior consent of vehicle owner or duly authorized driver of vehicle," shall not apply in any municipality that has adopted >>₁<< ~~[[and]]~~ maintains in effect>>₁, and actively enforces<< ordinances or regulations governing the same matters. Except as provided by this section, the regulations established by this article shall be applicable throughout Miami-Dade County both in the incorporated and unincorporated areas without regard to municipal boundaries, and shall not be subject to modification by any municipality. The provisions of this article shall not apply to the immobilization of a motor vehicle by a governmental agency, or person acting at the direction of a governmental agency, when such immobilization is authorized by a court order. Except as provided by this section, all municipal ordinances or resolutions contrary to this article are hereby superseded and rescinded.

Sec. 30-479. Requirements for immobilizing vehicles without prior consent of vehicle owner or duly authorized driver of vehicle.

It is unlawful for a person providing immobilization services to immobilize a vehicle owned by another person which is parked on private property without permission or authority of the owner or duly authorized driver of that vehicle, unless the following requirements are satisfied:

- (1) The vehicle is unlawfully parked and notice shall be prominently posted on the property on which the vehicle is immobilized in accordance with the requirements set forth in Section 30-474 (a)(1) of the Code of Miami-Dade County, Florida. The text of the notice shall clearly display, in light reflective letters on a contrasting background, the following information:
 - a. In letters at least two (2) inches high that unauthorized vehicles will be immobilized or towed away >>at<< ~~[[and]]~~ the >>owner's<< ~~[[owners]]~~ expense;

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- (5) Immobilization shall be accomplished by placing a steel boot on the front wheel of the >>driver's<< [[drivers]] side of the motor vehicle. The steel boot may be placed on any other wheel if placement on the front wheel on the driver side is not feasible.

Sec. 30-480. Director's duties, functions and powers.

The duties, functions, powers and responsibilities of the Director shall include the following:

- * * *
- (e) Deny, revoke, suspend and issue >>licenses and<< registration certificates and impose conditions, limitations, and restrictions upon same in accordance with Sections 30-464 of this Code. Notwithstanding the foregoing, no revocation or suspension of a >>license or<< registration certificate by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to Section [[8A]]>>30<<-481 of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.
- * * *
- (g) Inquire into the practices, functions and policies of towers >>and towing vehicle operators<< and make such recommendations to the Commission as the Director may deem necessary.
- * * *
- (i) Investigate, upon the Director's initiative, the practices of any tower >>and towing vehicle operator<<.
- * * *
- (n) Publish and disseminate information to the public concerning towers >>and towing vehicle operators<<.
- (o) Issue cease and desist orders, notices to correct violations, and any other lawful orders of the Director which shall

briefly set forth the general nature of the violation of this article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed, the Director shall have the power and authority to revoke or suspend the license >>or registration<<, if any has been issued, or deny the issuance of a license >>or registration<< and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a license >>or registration<< by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to Section [[&A]]>>30<<-481 of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later. Orders to cease and desist, notices to correct violations, and any other lawful orders of the Director hereunder may be enforced by the institution by the Director of civil actions for mandatory and prohibitory injunctions, civil penalties and other remedies and attorney's fees as set forth in Section 30-477 of the Code of Miami-Dade County in a court of competent jurisdiction.

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>>Sec. 30-482. Towing vehicle operator's registration required.

- (a) It shall be unlawful for any person to operate any towing vehicle within and upon the streets of Miami-Dade County without first obtaining and maintaining a valid and current Miami-Dade County towing vehicle operator's registration pursuant to the provisions of this article. Such towing vehicle operator's registration shall constitute authorization to operate a towing vehicle solely on behalf or as an employee of a person registered with the CSD pursuant to Section 30-462.
- (b) Every application for a towing vehicle operator's registration shall be in writing, signed and verified by the applicant, and filed with the Consumer Services Department (CSD) together with an investigative fee, processing fee, or late fee, duplication fee as applicable, established by implementing order approved by the Commission. Said fee shall be non-refundable. The application fee shall be deposited in a separate Miami-Dade County fund and shall

be used exclusively to accomplish the purposes of this article. The amount of the application fee shall be reasonably related to the cost of the services and regulation provided. The statements contained in the application shall become a part of the towing vehicle operator's registration and may be modified only in accordance with the provisions of this article.

- (c) The provisions of this ordinance do not apply to persons who use a towing vehicle purely for personal, family, household or recreational use.
- (d) Any new applicant, who demonstrates, by providing satisfactory proof that the applicant held or was employed by a person holding a valid and current towing license on the effective date of this Section and files an application within ninety (90) days of the effective date of this Section, shall be exempt from the requirements set forth in Sections 30-483(a)(3) and 30-483(a)(4). Notwithstanding, all renewal applicants previously exempted pursuant to this Subsection, shall not be issued a renewal registration if the applicant failed to comply with Sections 30-483, 30-484 and 30-485 from the date that the initial application was approved or within the preceding five (5) years, whichever is less.

30-483. Application for towing vehicle operator's registration.

- (a) Every application for a towing vehicle operator's registration shall be on a form prescribed by the CSD and shall contain all the information required by that form, including but not limited to:
 - (1) Sufficient information to identify the applicant, telephone numbers, and address of residence. Post office box and lock box addresses shall not be accepted to satisfy this requirement.
 - (2) The names and tow license numbers of the businesses for which the applicant performs services.
 - (3) A record of all outstanding warrants of arrest and a record of all final dispositions of misdemeanors and felonies charged against the applicant within the last

five (5) years. Applicants shall provide the final disposition for criminal cases on background checks received by the CSD from any source. Failure to provide the disposition of such cases shall result in the denial of the application for a towing vehicle operator's registration.

- (4) The State of Florida Department of Highway Safety and Motor Vehicles traffic/driving record report. The report shall be secured no more than thirty (30) days before the application is submitted. Upon initial application, if an applicant has resided in Florida less than five (5) consecutive years, a traffic/driving record/history from each state where the applicant previously resided will be required;
- (5) Individual applicants shall obtain their fingerprints and photographs from the Miami-Dade Police Department and provide them with the application;
- (6) The signature of the applicant;
- (7) Such additional information about the applicant as the Director may deem appropriate.

30-484. Issuance of towing vehicle operator's registration; renewal.

- (a) The Director is empowered to issue registrations to applicants that have met the standards and requirements for a towing vehicle operator's registration.
- (b) The Director shall review and investigate each application for a towing vehicle operator's registration and shall reject any application that is not properly filed or is incomplete or untrue in whole or in part, or which fails in any way to meet the requirements of Subsection (c) of this Section. As part of the renewal process, the original application shall be updated and verified by the applicant on forms prescribed by CSD. Each updated renewal application shall be submitted at least sixty (60) days prior to expiration of the current towing vehicle operator's registration and shall be accompanied by the fees required in Subsection 30-482(b). An incomplete application shall be considered to be abandoned if an applicant fails to complete the application

within sixty days from the date that the application was filed with the Director. An application submitted subsequent to the abandonment of a former application shall be treated as a new application and new fees shall be required.

- (c) The CSD may issue a towing vehicle operator's registration when it is demonstrated that the initial or renewal applicant:
- (1) Holds a current, valid State of Florida driver license of the class required for the type of towing vehicle to be operated;
 - (2) Is eighteen (18) years of age or older;
 - (3) Certifies under oath that the applicant is not a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
 - (4) Certifies under oath that the applicant is free from any physical or mental defect or disease that would constitute a direct threat to property or the safety of others or would impair the applicant's ability to drive a towing vehicle;
 - (5) Certifies under oath that the applicant:
 - (a) Has not pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of any felony within the previous five (5) years from the date of the application.
 - (b) Has not pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of three (3) or more misdemeanors relating to the theft or dismantling of motor vehicles or vessels, fraud, sex offense, illegal dealing or possession of narcotics, any other crime involving moral turpitude, within the previous three (3) years from the date of the application.

- (c) Does not have five (5) or more moving traffic violations within the previous five (5) years from the date of the application.
 - (d) Does not owe money to Miami-Dade County, Florida, either individually or through any other business, as a result of any unpaid civil penalties; unpaid administrative costs for a hearing; unpaid Miami-Dade County investigative, enforcement, testing or monitoring costs; or unpaid liens.
- (6) Has been subjected to a background investigation by Miami-Dade County resulting in a determination by the Director that:
- (a) The applicant has not had a revocation of the towing vehicle operator's registration by action of the Director within two (2) years prior to the date of application nor has any outstanding and unsatisfied civil penalties relating to this article.
 - (b) The applicant has not pled nolo contendere, pled guilty, been found guilty, or been convicted, regardless of whether adjudication has been withheld, of any felony within five (5) years immediately prior to the application for this registration, or any three (3) or more misdemeanors within three (3) years prior to the date of the application for this registration involving theft or dismantling of motor vehicles or vessels, fraud, sex offense, illegal dealing or possession of narcotics, and any other crime involving moral turpitude.
 - (c) There is no judgment against the applicant arising out of the activity of recovery, towing or removing a vehicle or providing storage in connection therewith remains unsatisfied, unless a stay or reversal of the judgment is obtained through the courts.
 - (d) There are no outstanding warrants for arrest of the applicant.

- (e) The applicant is not a user of alcohol or drugs whose current use would constitute a direct threat to property or the safety of others;
 - (f) The applicant has not falsified an application or has not altered any towing vehicle operator's registration. Such an applicant shall not be eligible to re-apply for one (1) year from to the date of the application;
 - (g) During the last five (5) years prior to application has not accumulated five (5) moving violations from the effective date of this ordinance for which he or she has pled nolo contendere, pled guilty, been found guilty or been convicted (regardless of whether adjudication has been withheld).
 - (h) The applicant does not owe money to Miami-Dade County, Florida, either individually or through any other business, as a result of any unpaid civil penalties; unpaid administrative costs for a hearing; unpaid Miami-Dade County investigative, enforcement, testing or monitoring costs; or unpaid liens.
- (d) A towing vehicle operator's registration shall be denied when a towing vehicle operator has received in the most recent three (3) year period prior to application one (1) driver's license suspension from the effective date of this ordinance for a moving violation on his or her State of Florida or other state record. A towing vehicle operator's registration shall also be denied when a towing vehicle operator has received in the most recent twelve (12) month period prior to application two (2) or more driver's license suspensions of any type on his or her State of Florida or other state record; or when the applicant has been determined by the State of Florida, or other State to be a habitual traffic offender in accordance with Section 322.264, Florida Statutes, as amended or other applicable State law.
- (e) Upon determining that the applicant has qualified for a registration pursuant to this article, the Director shall issue a registration in the form as prescribed by the Director.

- (f) Each towing vehicle operator's registration shall expire on the applicant's birthday during the applicable calendar year following issuance. Duplicate towing vehicle operator's registration may be issued in the same manner as required by Sections 30-483 and 30-484, and filed with the Consumer Services Department (CSD) together with an investigative fee, processing fee as applicable, established by implementing order approved by the Commission. The request for a duplicate registration must be sworn to and must state that the original has been lost or stolen.

30-485. Requirements for towing vehicle operators.

- (a) Towing vehicle operators shall abide by all the requirements and shall be subject to enforcement, violations, and penalties contained in this article and Chapter 8CC of the Miami-Dade County Code. A towing vehicle operator shall comply with the following regulations set forth in this article:
- (1) A towing vehicle operator shall prominently display on the towing vehicle operator's person a valid towing vehicle operator's registration issued by the CSD at all times when operating and driving a towing vehicle within Miami-Dade County.
 - (2) It shall be a violation of this Section to fail to report to the CSD any material change pertaining to the information supplied by the applicant for a registration, including, but not limited to, changing the location of any of the applicant's place(s) of employment. Notification shall be submitted in writing by the applicant within 10 days of the change.
 - (3) Towing vehicle operators shall also be charged with violating Sections 30-468, 30-469, 30-471, 30-473, 30-474, 30-475, and 30-476 of the Code of Miami-Dade County if it is determined by the Director that the towing vehicle operator committed or aided and abetted in the commission of the violation.
 - (4) A towing vehicle operator shall not operate a towing vehicle while the towing vehicle operator's ability or alertness is so impaired or so likely to become

impaired, through fatigue, illness or any other cause, as to make it unsafe for the towing vehicle operator to begin or continue to operate the towing vehicle.

- (5) It shall be unlawful for any towing vehicle operator to refuse to stop a vehicle for inspection by CSD authorized personnel or any police officer when such personnel witness a violation of the Code of Miami-Dade County pertaining to such vehicle or when the officer witnesses a violation of the requirements of law or the Code of Miami-Dade County pertaining to such vehicle; or to refuse to permit CSD authorized personnel or any police officer to conduct an inspection of the vehicle.
- (6) No towing vehicle operator shall operate a towing vehicle without physically possessing a valid towing vehicle operator's registration during the operation of a towing vehicle.
- (7) No towing vehicle operator shall operate a towing vehicle with a tampered or altered towing vehicle operator's registration or towing decal.
- (8) No towing vehicle operator shall operate a towing vehicle with an invalid, expired, or suspended driver's license. Failure to maintain a valid State of Florida driver's license of the class required and with the required endorsements for the vehicle operated by the tow vehicle operator shall immediately invalidate the towing vehicle operator's registration.<<

[[Secs. 30-482—30-500. Reserved.]] >>Secs. 30-486—30-500. Reserved.<<

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8CC-10. Schedule of penalties.

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
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*	*	*
30-468 >>(a), (b), (c)<<	Failure to maintain >> <u>or make</u> <u>available required</u> << trip records	200.00
>>30-468(d)	<u>Failure to have disclosure</u> <u>statement initialed and signed</u> <u>prior to towing vehicle</u>	<u>500.00</u> <<
*	*	*
>>30-473(g)	<u>Failure to comply with business</u> <u>location standards</u>	<u>500.00</u>
30-473(h)	<u>Failure to comply with business</u> <u>location safety standards; or</u> <u>rates schedule</u> <<[[Failure to maintain a place of business, file rates/failure to display charges and rates]]	200.00
30-473(i)	Failure to [[telephonically]]inform vehicle owner of document requirements; charges; method of payment; or business hours	200.00
*	*	*
>>30-473(o)	<u>Failure to release vehicle or vessel</u>	<u>500.00</u>
30-473(p)	<u>Failure to provide required tow</u> <u>bill upon request</u>	<u>500.00</u> <<
*	*	*
30-474(e)	Storing or impounding a towed vehicle more than [[five (5)]]	200.00

>>ten (10)<< miles from
recovery

	*	*	*
30-475(a)	Failure to enter into contract with property owner>>; <u>or failure to keep on file each contract that is in effect with each property owner<<</u>		200.00
30-475(b)	[[Failure of property owner to inform vehicle owner of name and address of towing company]] >> <u>Improperly causing a vehicle to be recovered, towed, removed or stored</u>		<u>500.00<<</u>
30-475 (c)	[[Failure of property owner to ascertain license number of tower]] >> <u>Failure of property owner to inform vehicle owner of name and address of towing company<<</u>		[[100.00]] >> <u>500.00<<</u>
30-475(d)	[[Unlawfully towing an emergency vehicle]] >> <u>Failure of property owner to ascertain license number of tower<<</u>		[[500.00]] >> <u>100.00<<</u>
>>30-475(e)	<u>Display a sign that indicates or implies that a contract with a tower is in effect when such is not the case</u>		<u>200.00</u>
30-475(f)	<u>Unlawfully towing an emergency vehicle</u>		<u>500.00<<</u>
	*	*	*
>>30-482(a)	<u>Failure to obtain towing vehicle operator's registration</u>		<u>500.00</u>

[[30-484(b)	Failure to renew towing vehicle operator's registration at least 60 days prior to expiration of current license	250.00]]
30-485(a)(1)	Failure to prominently display valid towing vehicle operator's registration on the towing vehicle operator's person	[[250.00]] >>100.00<<
30-485(a)(2)	Failure to notify of changes	250.00
30-485(a)(3)	[[Accessory in the commission of]] >>Committed or assisted in violation of<< Article III, Chapter 30 [[violation]]	[[250.00]] >>100.00<<
30-485(a)(4)	Operating a towing vehicle while the towing vehicle operator's ability or alertness is impaired	500.00
30-485(a)(5)	Failure to permit inspection	250.00
[[30-485(a)(6)	Operating a towing vehicle with an invalid towing vehicle operator's registration	500.00]]
30-485(a)(7)	Operating a towing vehicle with a tampered or altered towing vehicle operator's license or towing decal	250.00
30-485(a)(8)	Operating a towing vehicle with an invalid driver license	500.00<<

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Section 3. 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 4. 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 5. 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