

# MEMORANDUM

GOC  
Agenda Item No. 1G1

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners


**DATE:** October 10, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to immobilization of vehicles without consent; amending section 30-476 of the Code; establishing revised maximum rates for immobilization of vehicles at the request of private property owners and police agencies without prior consent of the vehicle owner or a duly authorized driver

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

  
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Abigail Price-Williams for  
County Attorney

APW/smm

# Memorandum



**Date:**

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

**Subject:** Fiscal Impact Statement for Ordinance Related to Amending Code for the Provision  
of Maximum Rates for Vehicle Immobilization Without Consent

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The proposed ordinance relating to immobilization of vehicles without consent amends Section 30-476 of the Code of Miami-Dade County, establishing revised maximum rates that may be charged by a towing company for the removal of an immobilization or booting device from a vehicle that is unlawfully parked on private property or that was immobilized at the direction of a police agency or property owner.

Implementation of the proposed ordinance will not have a fiscal impact on Miami-Dade County as it will not result in additional staffing needs.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

FIS03817 171064

# Memorandum

MIAMI-DADE  
COUNTY

**Date:**

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Social Equity Statement for Ordinance Related to Amending Code for the Provision of  
Maximum Rates for Vehicle Immobilization Without Consent

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The proposed ordinance increases the maximum rate that may be charged for the removal of a vehicle immobilization or booting device placed on a vehicle at the request of a private property owner or police agency, and without the consent of the vehicle owner. The maximum rate for the removal of an immobilization or booting device is contained in Section 30-476 of the Code together with the maximum rates for police directed and private property non-consent tows. It should be noted that maximum rate for the removal of an immobilization or booting device was established in 1999 and has not been adjusted since.

A specific social equity benefit or burden cannot be determined at this time. Owners of vehicles that are illegally parked and immobilized at the request of a property owner or police department will incur the cost associated with the rate increase. This in turn provides companies performing these types of services with an opportunity to generate additional revenue.

  
\_\_\_\_\_  
Jack Osterhoit  
Deputy Mayor

171064



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** May 2, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 4(A)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor'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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(A)  
5-2-17

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO IMMOBILIZATION OF VEHICLES WITHOUT CONSENT; AMENDING SECTION 30-476 OF THE CODE; ESTABLISHING REVISED MAXIMUM RATES FOR IMMOBILIZATION OF VEHICLES AT THE REQUEST OF PRIVATE PROPERTY OWNERS AND POLICE AGENCIES WITHOUT PRIOR CONSENT OF THE VEHICLE OWNER OR A DULY AUTHORIZED DRIVER; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Section 125.0103, Florida Statutes, requires counties to establish maximum rates which may be charged for the towing of vehicles from or immobilization of vehicles on private property, or as directed by law enforcement, without the consent of the vehicle's owner or authorized operator; and

**WHEREAS**, Article III of Chapter 30 of the Code of Miami-Dade County sets forth the County's towing regulations and provides that the Board of County Commissioners shall establish the maximum rates for towing, recovery, storage, and immobilization of vehicles at the direction of law enforcement or from private property at the request of the private property owner without the consent of the vehicle owner or duly authorized driver ("non-consent tows"); and

**WHEREAS**, maximum rates provide a rate ceiling for non-consent tows, storage, and immobilization of vehicles, although individual towers may establish rates that are lower than the maximum permitted rates; and

**WHEREAS**, on June 22, 1999, this Board enacted Resolution No. R-694-99, which established the maximum rate for removal of an immobilization or booting device attached to a vehicle without prior consent of the owner or operator; and

**WHEREAS**, this Board subsequently increased the maximum rates for non-consent tows, most recently in 2016, in Ordinance No. 16-59; and

**WHEREAS**, in Ordinance No. 16-59 this Board recognized that industry costs have increased substantially, as evidenced by the 37 percent annualized inflation rate in the Consumer Price Index for Transportation and 31 percent annualized inflation rate in the Producer Price Index for Truck Transportation, over the period of 2003 to 2015; and

**WHEREAS**, while Ordinance No. 16-59 rescinded Resolution No. R-694-99 and increased maximum rates for tows, Ordinance No. 16-59 did not establish new maximum rates for vehicle immobilization and removal of immobilization devices; and

**WHEREAS**, the rates for vehicle immobilization and removal of immobilization devices have not been increased since 1999; and

**WHEREAS**, this Board now desires to establish new maximum rates for non-consent immobilization and removal of immobilization devices,

**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:<sup>1</sup>

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<sup>1</sup> 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.

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**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 ordinance or resolution, establish 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 rates established by the Commission may be altered, revised, increased or decreased.

\* \* \*

(d) 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 are as follows:

1. **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:

\* \* \*

**5. Removal of Immobilization or Booting Device:**

- a. Removal rate..... \$~~[[65.00]]~~ >>92.00<<

b. Removal rate where immobilization or booting device operator is still at scene..... \$[[32.50]] >>46.00<<

\* \* \*

**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:

*GBK*  
*for*  
*AS*

Prepared by:

David Sherman

Prime Sponsor: Commissioner Bruno A. Barreiro

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