MEMORANDUM

Agenda Item No. 4(K)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: November 17, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to towing, recovery, storage, and immobilization of vehicles without consent; amending sections 30-473, 30-474, and 30-476 of the Code; expanding the annual inflation adjustment provided by Code to apply to private property tows in addition to police directed tows; expanding allowance for dolly fee to include private property tows in addition to police directed tows; providing for authorization of temporary fuel surcharges; providing that non-consent towers may pass on to vehicle owners any service charges assessed by credit card companies in paying for towing services; providing additional flexibility relating to property owner signatures when vehicles are towed

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Anthony Rodriguez.

Geri Bonzon-Keenan
County Attorney

GBK/smm

MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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**
_____	**Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO TOWING, RECOVERY, STORAGE, AND IMMOBILIZATION OF VEHICLES WITHOUT CONSENT; AMENDING SECTIONS 30-473, 30-474, AND 30-476 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING THE ANNUAL INFLATION ADJUSTMENT PROVIDED BY CODE TO APPLY TO PRIVATE PROPERTY TOWS IN ADDITION TO POLICE DIRECTED TOWS; EXPANDING ALLOWANCE FOR DOLLY FEE TO INCLUDE PRIVATE PROPERTY TOWS IN ADDITION TO POLICE DIRECTED TOWS; PROVIDING FOR AUTHORIZATION OF TEMPORARY FUEL SURCHARGES; PROVIDING THAT NON-CONSENT TOWERS MAY PASS ON TO VEHICLE OWNERS ANY SERVICE CHARGES ASSESSED BY CREDIT CARD COMPANIES IN PAYING FOR TOWING SERVICES; PROVIDING ADDITIONAL FLEXIBILITY RELATING TO PROPERTY OWNER SIGNATURES WHEN VEHICLES ARE TOWED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

WHEREAS, article III of chapter 30 of the Code of Miami-Dade County ("Code") 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, while maximum rates provide a rate ceiling for non-consent tows, individual towers may establish rates that are lower than the maximum permitted rates; and

WHEREAS, over the years, this Board has on occasion revised the maximum rates to reflect increases in industry costs and inflation; and

WHEREAS, pursuant to Ordinance No. 16-59, this Board also provided for an automatic annual increase in the maximum rates for non-consent police requested tows by the lesser of the annual percentage increase in the Consumer Price Index (CPI) or three percent, but that automatic annual adjustment was not applied to non-consent private property tows; and

WHEREAS, as a consequence, the maximum rates for police directed tows have increased to keep up with inflation, but the private property tow maximum rates have not benefited from such an annual adjustment and have not otherwise been increased in last few years; and

WHEREAS, this Board now desires to provide that the annual automatic inflation adjustment in the Code shall also apply to private property tows to ensure that those rates benefit from annual inflationary adjustments in the same manner as police directed tow rates; and

WHEREAS, a tow dolly is a small two-wheeled device used in towing that lifts a vehicle's front wheels from the ground while the rear wheels roll freely; and

WHEREAS, the Code currently permits a dolly fee to be charged for police directed tows, but does not allow such a fee for private property tows; and

WHEREAS, the Board wishes to allow private property tows to collect such a dolly fee, just as may be currently collected for police directed tows; and

WHEREAS, the Board further wishes to provide for authorization for towing companies to levy temporary fuel surcharges when economic circumstances warrant; and

WHEREAS, the Board also wishes to provide that when a credit card is used to pay for towing services, towers may pass on to the vehicle owner or authorized representative the cost of any service charges assessed by the credit card company in completing the transaction; and

WHEREAS, lastly, the Board wishes to provide additional flexibility and convenience to property owners to provide signatures electronically when requesting that an authorized or disabled vehicle be towed away from the owner's property by a towing company,

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

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Section 30-473 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

> **Sec. 30-473. - Nonconsent towing 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:
>
> * * *
>
> (k) Persons who provide services pursuant to this section shall accept payment for charges from the vehicle owner or authorized representative in all of the following listed forms:
>
> (1) Cash, money order, or traveler's check;
>
> (2) Bank, debit, or major credit card, such as Mastercard and Visa>>; provided, however, that the tower may pass on to the vehicle owner or authorized representative the cost of any service charges assessed by the credit card company for use of such credit card in completing the transaction<<;
>
> (3) Personal check showing on its face the name and address of the vehicle owner or authorized representative; and

[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.

(4) As of July 16, 2023, digital payment forms, such as Zelle, PayPal, Venmo, Apple Pay, or Cash App.

* * *

Section 3. Section 30-474 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 30-474. - Requirements for providing nonconsent tow services at request of property owners.

Nonconsent towers duly licensed under this article may recover, tow or remove a vehicle or provide storage in connection therewith upon the instruction of a property owner, or his authorized agent, on whose property the vehicle is abandoned or parked without authorization, provided that the following requirements are satisfied:

* * *

(b) The property owner or his authorized agent shall provide express instruction to recover, tow or remove the vehicle and shall date and sign such instruction >>either<< in the presence of the natural person recovering, towing or removing the vehicle >>or remotely by electronic signature<<. Neither the property owner nor his authorized agent shall be an officer, employee or agent of the person requested to recover, tow or remove the vehicle. No such instruction shall be considered to have been given by the mere posting of the notice as required by the preceding parts of this section. No such instruction shall be considered to have been given by virtue of the mere terms of any contract or agreement between a person providing towing services and a property owner. No such instruction shall be considered to have been given where the instruction occurs in advance of the actual unauthorized parking of the vehicle. No such instruction shall be considered to have been given where the instruction is general in nature and unrelated to specific, individual and identifiable vehicles which are already parked without authorization.

* * *

Section 4. Section 30-476 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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.

* * *

(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:

* * *

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

* * *

b. Dollies . . .

Class "A" [[~~(except Private Property Tows)~~]] ..... $40.00] per job

* * *

4. Other Rates: No 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 company's prevailing rates will apply. Examples of this service include, but are not limited to hazardous material recovery, aircraft recovery, and air cushion recovery. >>Notwithstanding the foregoing, in addition to the rates and charges listed herein, the Board may authorize the levy of a temporary fuel surcharge for non-consent private property tows and tows directed by government agencies when, in the discretion of the Board, economic circumstances warrant.<<

* * *

6. Inflation Adjustments: All fees referenced in Sections >>(d)1.,<< (d)2.>>,<< and (d)3. above shall be increased annually by the annual percentage change in the Consumer Price Index (CPI) or by three percent (3%), whichever is less.

* * *

Section 5. 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 6. 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 7. 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:

MAG for GBK

Prepared by:

James Eddie Kirtley
Luis M. Reyes

Prime Sponsor: Chairman Anthony Rodriguez