



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 20, 2012

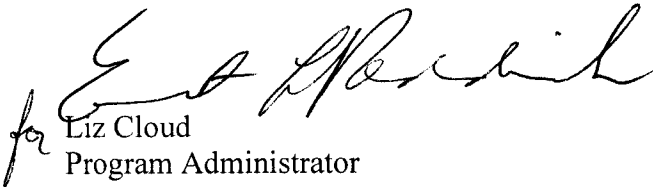
Mr. Bob Inzer
Clerk of the Circuit and County Courts
Leon County
Post Office Box 726
Tallahassee, Florida 32303

Attention: Rebecca L. Vause, Deputy Clerk

Dear Mr. Inzer:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 20, 2012 and certified copies of Leon County Ordinance Nos. 12-13 through 12-16, which were filed in this office on November 20, 2012.

Sincerely,


Liz Cloud
Program Administrator

LC/elr

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CLERK DIVISION
BOB INZER
CLERK CIRCUIT COURT

ORDINANCE NO. 12-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE XXIII ENTITLED "TOWING SERVICES" OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 11-330, DEFINITIONS; AMENDING SECTION 11-332, STORAGE AREA REQUIREMENTS; AMENDING SECTION 11-335, OWNER, OPERATOR AND VEHICLE REGISTRATION PROVISIONS; AMENDING SECTION 11-336, OPERATOR'S PERMIT; RENEWAL; AMENDING SECTION 11-337, VEHICLE PERMIT; RENEWAL; AMENDING SECTION 11-350, FEES CHARGED FOR ROTATION TOWING; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Chapter 11, Article XIII, of the Code of Laws of Leon County, Florida, entitled "Towing Services," is hereby amended to read as follows:

ARTICLE XIII. TOWING SERVICES

**DIVISION 1. GENERALLY; APPLICABLE TO ~~TRESPASS~~
TOWING AND ROTATION TOWING SERVICES**

Sec. 11-330. Definitions.

Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this article its more effective application. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Applicable law enforcement shall mean the Leon County Sheriff's Office.

~~Class A vehicles shall mean cars, motorcycles, light duty trucks, boats, campers, and other vehicles weighing 10,000 pounds (gross vehicle weight as designated on the vehicle registration, if applicable) or less.~~

1 ~~Class B vehicles shall mean medium duty trucks, motor homes, camper trailers, and other~~
2 ~~vehicles weighing between 10,001 and 20,000 pounds (gross vehicle weight as designated on~~
3 ~~the vehicle registration, if applicable).~~

4 ~~Class C vehicles shall mean heavy duty trucks, house trailers, buses, and other vehicles~~
5 ~~weighing more than 20,000 pounds (gross vehicle weight as designated on the vehicle~~
6 ~~registration, if applicable).~~

7 Consent Towing shall mean person who tows a motor vehicle with the consent of the vehicle
8 owner.

9 *Crabbing* shall mean the prohibited practice of driving in a manner which causes the towed
10 vehicle to take up any portion of the roadway other than the lane in which the wrecker is
11 occupying, where the towed vehicle is out-tracking from and deviating from the path of the
12 wrecker.

13 *Dragging* shall mean the prohibited practice of hooking a wrecker up to a vehicle and dragging
14 it out of the parking space to complete the attachment process, or the process of placing the
15 grounded end on dollies. Dollies and safety straps, or other devices used for safe towing of
16 these vehicles, must be put in place before moving a vehicle.

17 *Emergency* shall mean circumstances where the usual operation of a business or other private
18 property is impeded by the blocking of entrances, exits or access to operational equipment, but
19 specifically shall not include tows for the purpose of clearing parking areas.

20 Gross Vehicle Weight Rating (G.V.W. or G.V.W.R.) shall mean the maximum operating
21 weight/mass of a vehicle as specified by the manufacturer.

22 *LCSO* shall mean Leon County Sheriff's Office.

23 *Major credit card* shall mean a valid Visa or Master Card.

24 *Relay towing* shall mean the prohibited practice in which the towing wrecker operator removes
25 a vehicle and takes it to an alternate location other than the storage lot in order to
26 simultaneously remove multiple vehicles in a reduced amount of time, then later transporting
27 all vehicles to the storage facility.

28 *Roam towing* shall mean towing of vehicles as defined in trespass towing where the towing
29 establishment has entered into a contract with a private property owner to roam their property
30 during designated hours to remove illegally parked vehicles.

31 *Rotation towing system* shall mean a system whereby a group of towing establishments have
32 agreed, in writing, to rotate answering calls for towing and storage services when requested by a
33 law enforcement agency at the scene of an accident or disabled vehicle. The towing
34 establishments shall be placed on a call list, and contacted in ranking order as the need arises,
35 and then rotated to the bottom of the list.

36 *Sheriff* shall mean the Leon County Elected Constitutional Officer.

1 *Towing administrator* shall mean the employee designed by the LCSO to administer towing
2 services within Leon County.

3 *Towing establishment* shall mean any building or site in which the business of towing vehicles
4 is headquartered.

5 *Towing services* shall mean wrecker, hauler, etc. used to transport a vehicle not under its own
6 power.

7 *Towing wrecker operator* shall mean any driver or other employee that has direct and approved
8 access to any towed vehicle.

9 *Trespass towing* shall mean towing or removal of a vehicle that is illegally parked on private
10 real property, at the property owner's direction, or as defined as roam towing.
11

12 **Sec. 11-331. Liens for recovering, towing, or storing vehicles.**
13

14 (a) Any person regularly engaged in the business of recovering, towing or storing vehicles who
15 comes into possession of a vehicle pursuant to F.S. § 713.78(2), and who claims a lien for recovery,
16 towing, or storage services, shall give notice to the registered owner and to all persons claiming a
17 lien thereon, as disclosed by the records in the department of highway safety and motor vehicles or of
18 a corresponding agency in any other state. Said notice shall be as provided in F.S. § 713.78(4).
19

20 (b) In addition to the notice provisions of F.S. § 713.78(4), the notice shall provide a date, time
21 and place for the sale authorized pursuant to F.S. § 713.78.
22

23 **Sec. 11-332. Storage area requirements.**
24

25 In addition to the requirements of F.S. § 715.07, storage sites utilized by towing establishments for
26 the storage of motor vehicles towed pursuant to trespass or rotation towing must:
27

- 28 (a) Be securely locked;
29 (b) Cover an area with a minimum 7,500 square foot area;
30 (c) Be enclosed by a chain link or solid wall type fence at least six feet in height; and
31 (d) Be illuminated with lighting of sufficient intensity expanding to a distance of at least 150
32 feet during nighttime.
33 (e) Be inspected by the LCSO towing administrator during the annual application and inspection
34 process.

35 ~~The storage area shall be inspected annually by the LCSO towing administrator during the annual~~
36 ~~application and inspection process.~~
37

38 **Sec. 11-333. Publication of notice.**
39

40 If publication of notice is required, such notice shall be published in a newspaper of general
41 circulation in the county which is published at least one day a week and of general interest and
42 readership in the county pursuant to Chapter 50, Florida Statutes, not one of limited subject matter.

1 **Sec. 11-334. Prohibitions.**

2 (a) It shall be a violation of this article to charge any fee which is based on law enforcement
3 response to a call by the owner of a vehicle.

4 (b) It shall be a violation of this article to charge a release fee that exceeds the normal towing and
5 storage fee for towed vehicles which are released from storage facilities during normal business
6 hours. "Normal business hours" shall be from 8:00 a.m. to 11:00 p.m.

7 (c) It shall be a violation of this article for any owner or employee of a towing establishment to
8 move, remove or deface any tow-away sign, without the permission of the real property owner or an
9 authorized representative of the owner.

10 (d) It shall be a violation of this article for any owner or employee of a towing or wrecker service
11 to compensate, by cash or in-kind services, a property owner or their agent in exchange for any
12 agreement to tow vehicles from the property owner's property.

13 (e) It shall be a violation of the article to exceed the fees set forth in this article.

14 (f) It shall be a violation of this article to operate a wrecker without maintaining insurance
15 coverage in the following minimum amounts:

16 (1) Garage liability insurance in an amount of not less than \$300,000.00 combined single
17 limit liability;

18 (2) Garage keeper's legal liability in an amount of not less than \$50,000.00, covering
19 perils of fire and explosion; theft of a vehicle, its parts, or contents; riot and civil commotion;
20 vandalism, and malicious mischief;

21 (3) On-hook coverage in an amount of not less than \$50,000.00 covering damage to a
22 vehicle or vehicles in tow;

23 (4) Bodily injury liability insurance and property damage liability insurance in amounts
24 of not less than:

25 a. \$50,000.00 per occurrence for a wrecker with a gross vehicle weight of less than
26 35,000 pounds.

27 b. \$100,000.00 per occurrence for a wrecker with a gross vehicle weight of less than
28 35,000 pounds or more but less than 44,000 pounds.

29 c. \$300,000.00 per occurrence for a wrecker with a gross vehicle weight of more
30 than 44,000 pounds.

31 (g) It shall be a violation of this article for any owner or employee of a towing establishment to
32 attach a towed vehicle in such a manner that it is not traveling in a straight line behind the wrecker
33 (otherwise known as "crabbing"), so that both vehicles fail to remain in a single lane of travel, in
34 violation of F.S. § 316.089(1).
35

1 (h) It shall be a violation of this article for any owner or employee of a towing establishment to
2 demand a "no tow" fee if the vehicle they are physically connected to exceeds the gross vehicle
3 weight of the wrecker. For example, a Class A wrecker is not capable of towing a Class C vehicle
4 because the combined weight of the two vehicles exceeds the gross vehicle weight capability of the
5 wrecker.
6

7 **Sec. 11-335. Owner, operator and vehicle registration provisions.**
8

9 It shall be unlawful for any person, either as principal, agent or employee of a towing establishment,
10 to conduct ~~trespass or rotation~~ towing services without having first registered the owner, towing
11 wrecker operators and towing service vehicles with the LCSO, using a format approved by the
12 LCSO. The information for Leon County registration shall contain the make, model and
13 manufacturer's serial number of the vehicle; date the vehicle was put into service; the driver's
14 license number of the owner and of all towing service vehicles; the name of the insurance company
15 or companies with which the owner and operators have liability insurance coverage for the operation
16 of the vehicle as required by law; the name and driver's license number of all employees involved in
17 the towing of vehicles from public and private property, and such other information as may be
18 required. It shall be the responsibility of the towing establishment to provide updated information to
19 the LCSO.
20

21 **Sec. 11-336. Operator's permit; renewal.**

22 (a) No wrecker owner or operator shall conduct ~~trespass or rotation~~ towing services without first
23 having obtained a written permit and identification card from the LCSO. After satisfactory
24 completion of the required permit application process, the LCSO shall issue a permit and
25 identification card. Each permit and identification card shall contain the following:

- 26 (1) a photograph of the towing wrecker operator;
27 (2) the name of the wrecker service and towing wrecker operator's first and last name;
28 (3) a control number that can be linked back to the driver's personal information;
29 (4) a place for the towing administrator to validate the card;

30 After the card is validated it shall be laminated to protect the information contained on the
31 card. If the permit is lost, damaged, stolen or becomes illegible the card, shall be replaced by
32 the LCSO.

33 (b) It shall be a violation of this ordinance for the owner of any towing establishment to permit
34 any person to be employed as a towing wrecker operator within the county unless such person has
35 been granted a written permit to engage in trespass or rotation towing by the LCSO. Each permit
36 shall be valid for three years from date of issuance.

37 (c) In order to secure a towing wrecker operator permit, an applicant shall comply with the
38 following and provide such information on a form provided by the LCSO.

- 1 (1) The applicant shall be at least 18 years of age.
- 2 (2) The applicant shall possess a valid Florida ~~Class-D~~ driver's license for the class of
3 towing vehicle operated and provide a photocopy to the wrecker administrator.
- 4 (3) The applicant shall not have a prior conviction or adjudication withheld of the
5 following:
- 6 a. Any felony conviction if his or her civil rights have not been restored;
- 7 b. Any felony or first degree misdemeanor directly related to the business of towing
8 motor vehicles;
- 9 c. Within the previous five years, of driving under the influence of alcohol, a
10 controlled substance, or a chemical substance, to the extent that normal faculties are
11 impaired; driving with an unlawful blood alcohol level, or any other criminal traffic
12 offense; or
- 13 d. Any sexual, or lewd and lascivious offense.
- 14 (4) The applicant shall undergo a background check consisting of:
- 15 a. fingerprinting;
- 16 b. seven year driver's license history; and
- 17 c. criminal history check via the Florida Criminal Information Center/National
18 Criminal Information Computer.

19 (d) Renewals.

20 (1) The operator's permit shall be renewed every three years for operators who remain
21 with the same towing establishment. Prior to an operator towing with a different towing
22 establishment ~~who is also on rotation in this jurisdiction~~, the operator shall notify the LCSO
23 towing administrator.

24 (2) Towing establishments ~~on rotation~~ shall be re-inspected every year. It shall be the
25 towing establishment's obligation to notify the LCSO towing administrator, and schedule the
26 renewal inspection prior to the date of expiration.

27
28 **Sec. 11-337. Vehicle permit; renewal.**
29

30 (a) Application or renewal for a vehicle permit utilized for ~~trespass and/or rotation~~ towing
31 services shall be made to the LCSO towing administrator. The process will consist of the following:

32 (1) Equipment check of the vehicle by the LCSO to include the following items:

33 a. Minimum manufacturer's rated capacity-track chassis—~~10,000 GVW with a~~
34 ~~minimum 16 foot bed~~ according to G.V.W. class.

- b. ~~Wrecker is commercially manufactured.~~ Tow Dollies (for Class A and B wheel-lift towing vehicles).
- c. ~~Winch with a minimum capacity of four tons.~~ Winch capacity according to G.V.W. class.
- d. At least ~~50~~ 100 feet of cable at least three-eighths inch in diameter.
- e. Minimum of two safety tie down chains no less than ten feet each.
- f. Snatch block.
- g. Extra towing chain with hooks (six to eight feet).
- h. Two-way radio or mobile phone.
- i. Amber emergency lights.
- j. Clearance and marker lights.
- k. Two spot (flood) lights mounted on the rear of the vehicle.
- l. Proper lettering, professionally done on both sides of wrecker.
- m. Bolt cutters (minimum of one-half inch opening).
- n. Flashlight.
- o. Traffic cones, 30 minute fuses, red reflectors, or triangles.
- p. Fire Extinguisher, CO2 or dry chemical based with a current inspection tag attached.
- q. 4-way lug wrench or impact wrench.
- r. Crowbar or pry bar, minimum of 30 inches.
- s. Heavy-duty push broom.
- t. 50 pounds of sand or equivalent for fluid absorbency.
- u. Set of jumper cables or jumpbox.
- v. Square shovel.
- w. Axe, saw, or chainsaw.
- x. All other equipment required by F.S. § 715.07.
- y. Wrecker is commercially manufactured with the following minimum specifications:

Class A Tow Truck or Car Carrier—Minimum Ratings:

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

Class B Tow Truck—Minimum Ratings:

1.	<u>Gross vehicle weight ratings</u>	<u>18,000 LBS.</u>
2.	<u>Boom capacity</u>	<u>24,000 LBS.</u>
3.	<u>Winching capacity</u>	<u>24,000 LBS.</u>

4.	<u>Cable size and length</u>	<u>½"×200'</u>
5.	<u>Under-reach retracted rating</u>	<u>10,500 LBS.</u>
6.	<u>Under-reach extended ratings</u>	<u>8,500 LBS.</u>
7.	<u>Tow sling safe lift rating</u>	<u>8,500 LBS.</u>
8.	<u>Safety chains (2 EACH)</u>	<u>5/16" ALLOY</u>
9.	<u>Cab to axle dimension</u>	<u>84"</u>
<u>Class C Tow Truck—Minimum Ratings:</u>		
1.	<u>Gross vehicle weight ratings</u>	<u>30,000 LBS.</u>
2.	<u>Boom capacity</u>	<u>50,000 LBS.</u>
3.	<u>Winching capacity</u>	<u>50,000 LBS.</u>
4.	<u>Cable size and length</u>	<u>5/8"×200'</u>
5.	<u>Under-reach retracted rating</u>	<u>25,000 LBS.</u>
6.	<u>Under-reach extended ratings</u>	<u>12,000 LBS.</u>
7.	<u>Tow sling safe lift rating</u>	<u>12,000 LBS.</u>

<u>8.</u>	<u>Safety chains (2 EACH)</u>	<u>½" ALLOY</u>
<u>9.</u>	<u>Cab to axle dimension</u>	<u>144"</u>
<u>Class D Tow Truck—Minimum Ratings:</u>		
<u>1.</u>	<u>Gross vehicle weight ratings</u>	<u>52,000 LBS.</u>
<u>2.</u>	<u>Boom capacity</u>	<u>70,000 LBS.</u>
<u>3.</u>	<u>Winching capacity</u>	<u>70,000 LBS.</u>
<u>4.</u>	<u>Cable size and length</u>	<u>¾"×200'</u>
<u>5.</u>	<u>Under-reach retracted rating</u>	<u>45,000 LBS.</u>
<u>6.</u>	<u>Under-reach extended ratings</u>	<u>15,000 LBS.</u>
<u>7.</u>	<u>Tow sling safe lift rating</u>	<u>12,000 LBS.</u>
<u>8.</u>	<u>Safety chains (2 EACH)</u>	<u>½" ALLOY</u>
<u>9.</u>	<u>Cab to axle dimension</u>	<u>180"</u>

(2) Providing copies of vehicle records, such as motor vehicle registration and insurance maintenance proof, to the LCSO towing administrator.

(3) City/county occupational license.

(b) Upon satisfactory completion and approval of the wrecker vehicle permit application, a validation decal will be issued by LCSO to the applicant, with a tracking number for that vehicle to be affixed to the lower driver's side corner of the windshield.

1 (c) Wrecker vehicle permits shall be renewed as set forth in subsection 11-336(d) of this article.
2

3 **Sec. 11-338. Penalties.**

4 (a) In addition to those penalties imposed by F.S. § 715.07, violation of any provision of this
5 article, including any of the requirements of F.S. § 715.07, shall be subject to the following civil and
6 criminal penalties:

7 (1) Any person who violates this article shall be liable to the owner or lessee of the
8 vehicle for all costs of recovery (including all towing and storage fees) plus attorney's fees
9 and court costs, and shall in addition be liable to the owner or lessee of any towed or
10 removed vehicle for damages resulting directly or indirectly from the removal, transportation
11 or storage of the vehicle.

12 (2) Any person who violates any of the provisions of this article shall be punished by a
13 fine not to exceed \$500.00 or by imprisonment in the county jail for a term not exceeding 60
14 days, or by both such fine and imprisonment.

15 (b) Any violation of any combination of prohibited practices known as crabbing, relay towing, or
16 dragging in a 12-month period shall result in the following schedule of fines:

17 *First violation—\$50.00 fine*

18 *Second violation—\$100.00 fine*

19 *Third and subsequent violation—\$100.00 fine accompanied with a revocation of towing*
20 *wrecker operator privileges in accordance with section 11-339 of this article.*

21 (c) The sheriff or designee shall have the authority to determine the penalty, consistent with the
22 provisions of this section, and to impose and enforce these provisions.

23 (d) Any fines, fees or other costs due shall be paid directly to the clerk of the court.
24
25

26 **Sec. 11-339. Revocation of privilege of conducting towing; due process hearing.**

27 (a) *Grounds for revocation.* In addition to, or as an alternative to, the penalties set forth in
28 section 11-338, the sheriff or designee may revoke the towing privilege of any person, firm or
29 corporation to conduct towing on any of the following grounds:

30 (1) The towing establishment owner and/or operator fails to register as required by this
31 article; or

32 (2) The registration contains false statement of a material fact; or

33 (3) The towing establishment owner and/or operator provides monetary compensation or
34 other compensation as a kickback to the private property owner as an inducement for signing
35 a contract with the towing establishment to tow vehicles from the property; or

1 (4) The towing establishment owner and/or operator provides monetary compensation or
2 other compensation as a kickback to the private property owner for an individual vehicle
3 towed from the property; or

4 (5) The towing establishment owner and/or operator charges fees in excess of those set
5 out in this article; or

6 (6) The towing establishment owner and/or operator violates any of the provisions of this
7 article or Florida Statutes; or

8 (7) The towing establishment owner and/or operator fails to clearly display the wrecker
9 vehicle permit on the lower left corner of the windshield of the wrecker vehicle immediately
10 prior to towing a vehicle and/or while performing a tow; or

11 (8) The towing establishment operator fails to clearly display his or her LCSO operator's
12 identification on or about his or her person immediately prior to performing a tow.

13 (b) *Determination of violation.* Upon the receipt of a complaint of any towing establishment
14 owner and/or operator or upon a complaint initiated by the sheriff or designee, the sheriff or designee
15 may conduct an investigation regarding any violation of this article.

16 (c) *Notice of proposed revocation.* Upon a probable cause determination that a violation has
17 occurred and that revocation is the appropriate action, the sheriff or designee shall notify the towing
18 establishment owner and/or operator in person or by certified mail, return receipt requested, of its
19 proposal of revocation.

20 (1) Notice shall be made by the sheriff or designee either in person or by certified mail,
21 return receipt requested, within five working days following the determination of revocation.
22 Notice by mail shall be considered within the five day time period when placed within the
23 United States Mail.

24 (2) The notice shall state that the towing establishment owner and/or operator may
25 request a due process hearing within 15 calendar days after receiving such notice.

26 (3) When a due process hearing is desired, a request must be made in writing by the
27 towing establishment owner and/or operator to the sheriff or designee by certified mail,
28 return receipt requested. Such request must be received by the sheriff or designee within the
29 15-day time period.

30 (4) The sheriff or designee shall set and notice the due process hearing within 15 working
31 days after the request is received or as soon as practicable thereafter.

32 (5) Failure to request a due process hearing within the 15 calendar day period or in the
33 manner prescribed in this article shall constitute a waiver by the towing establishment owner
34 and/or operator of any right to a hearing.

35 (d) *Due process hearing.* Upon a review of the evidence presented at the due process hearing,
36 and a finding that a violation has occurred, the sheriff or designee may revoke the towing

1 establishment owner's and/or operator's privilege to engage in the business of towing not to exceed
2 one year. The decision of the sheriff or designee shall be final.

3 (e) *Final determination notice.* Upon making a final determination, the sheriff or designee shall
4 promptly notify the towing establishment owner and/or operator of the decision to either affirm or
5 alter the proposed revocation as set forth in the notice of proposed revocation. Such notice may be
6 made by hand delivery or by certified mail, return receipt requested.

7 (f) *Revocation.* Any towing establishment owner and/or operator whose privilege to engage in
8 the business of towing has been revoked shall not be eligible to again register with the sheriff for
9 towing during the period of revocation.

10 (g) *Administration of article.* The sheriff or designee shall have the authority to adopt such rules
11 and regulations as are necessary for the implementation and administration of this article, including,
12 but not limited to, hearing procedures
13

14 DIVISION 2. TRESPASS TOWING 15

16 **Sec. 11-340. Prerequisites to towing vehicles parked on private property (trespass towing);** 17 **exceptions.**

18 (a) It shall be a violation of this division for a person hired by the owner of private property
19 within the county to do any trespass towing without having first obtained approval of the LCSO of
20 any towing signs posted on the property. In addition to the requirements of F.S. § 715.07, the
21 wording on the sign shall indicate if towing is conducted other than normal business hours by the
22 posting of a sign indicating "24 hours per day."

23 (b) It shall be a violation of this ordinance for any person to tow or cause to be towed any vehicle
24 parked on private real property unless the provisions of F.S. § 715.07, have been complied with
25 together with the following requirements:

26 (1) The owners of the real property and the towing establishment shall have executed, at
27 least 24 hours prior to the towing or removal of any vehicle, a written agreement for trespass
28 towing, which agreement shall contain the following provisions:

- 29 a. The duration of the agreement;
- 30 b. The time of day that such towing or removal is authorized;
- 31 c. The days of the week that such towing or removal is authorized;
- 32 d. The fees to be paid for the towing or removal;
- 33 e. The signatures of both the property owner, or the authorized representative, and
34 the owner, or authorized representative of the towing service, certifying that each has
35 read and is in compliance with all of the provisions of F.S. § 715.07.

1 The form for such agreement shall be approved by the LCSO towing administrator, and may
2 not be amended or modified in any manner that provides for terms or activities which violate
3 the provision of this article or F.S. § 715.07.

4 (2) A copy of the completed agreement shall be placed on file with the LCSO.

5 (3) Where the private real property is provided for residential parking other than for a
6 single-family residence, the agreement, except as provided in sub-section 11-340(a)(4), shall
7 not authorize the towing service to tow away or remove any vehicle without a verified
8 request to remove the specific vehicle by the property owner or an authorized representative.
9 A property owner's representative may include a resident manager, a property manager or
10 other agent who has the legal authority to bind the owner, but may not be an officer,
11 employee or agent of a towing service.

12 (4) Owners of properties used for residential purposes may elect to authorize the towing
13 service to tow away or remove vehicles without a verified request to remove a specific
14 vehicle between the hours of 12:00 midnight and 7:00 a.m., provided that the owner first
15 comply with the following requirements:

16 a. Posted notice must comply with F.S. § 715.07(2)(a)5.

17 b. Signage shall be added to each of the existing tow away signs with letters of the
18 same size as the "tow away" language, which provides the following words: "Roam
19 Towing, 12:00 midnight—7:00 a.m."

20 c. Towing contract on file with the LCSO as required by subsection 11-340(b)(2) of
21 this article shall be amended to provide for roam towing between the hours of 12:00
22 midnight and 7:00 a.m.

23 d. A photograph of the illegally parked vehicle shall be taken by a representative of
24 the towing establishment prior to the removal of that vehicle, and should be
25 maintained by the towing establishment for a minimum period of two years. The
26 photograph shall demonstrate the violation of law, rule or regulation for which the
27 vehicle is being towed.

28 e. Lease, rental or property owners' association documents shall contain a notice
29 provision indicating that the residential property utilizes roam towing. In the case of
30 properties with existing leases, rental agreements or property owners' association
31 documents, it shall be sufficient to notify by regular mail, at the last known address,
32 each of the tenants/owners of the property prior to the initiation of roam towing. All
33 amendments to or new leases, rental agreements or property owners' association
34 documents shall contain the provision giving notice that the property owner intends
35 to utilize roam towing, and a complete and specifically detailed list of all towing
36 instructions and rules violations that will result in towing. A copy of these provisions
37 must be posted in the rental office and the common area. A copy must also be
38 maintained on file in each tow vehicle removing cars from the property. The towing
39 administrator shall review and approve the parking rules. At the entrance or entrances
40 a sign shall be posted stating where the parking rules can be read by residents and

1 guests. The parking rules shall be posted in a public area at the complex. The
2 management, to ensure that they have not been altered, should regularly inspect them;
3 any sign that is removed or defaced shall be replaced within 30 days.

4 (c) The provisions of this article shall not apply to:

5 (1) The towing of vehicles pursuant to other emergencies;

6 (2) The towing of vehicles from property appurtenant to and obviously a part of a single-
7 family residence;

8 (3) When notice is personally given to the owner or other legally authorized person in
9 control of the vehicle that the area in which that vehicle is parked is reserved or otherwise
10 unavailable and that the unauthorized vehicle will be removed at the owner's or operator's
11 expense.

12 (d) The 24-hour notice requirement of this section shall not apply when the tow is of an
13 emergency nature and the owner has notified the LCSO prior to removing the vehicle.

14 (e) All vehicles towed shall be towed directly to the storage site owned or leased by the towing
15 service and the vehicle shall not be kept in any temporary holding area.

16 (f) Each towing service shall staff or monitor its telephones at all times (pager only does not
17 satisfy this requirement) and immediately advise any vehicle owner or authorized representative who
18 calls by telephone of the following:

19 (1) Each and every document or other item which must be produced to retrieve the
20 vehicle;

21 (2) The total towing charges as of the time of the telephone call, and the rate at which
22 charges will accumulate thereafter;

23 (3) The acceptable methods of payment; and

24 (4) That the vehicle can be picked up, at the designated location, within one hour of
25 request.
26

27 **Sec. 11-341. Fees charged for towing vehicles parked on private property (trespass towing).**

28 (a) Fees shall be charged as follows:

29 (1) Any towing and storage firm engaged in the business of trespass towing shall not
30 charge the owner of any towed vehicle or personal property in excess of \$88.00 for the
31 removal of a Class A vehicle, \$145.00 for the removal of a Class B vehicle, and \$300.00 for
32 the removal of a Class C vehicle. Fees shall be paid according to the gross vehicle weight, as
33 specified on the registration materials, of the vehicle they are attempting to tow.

34 (2) No more than \$15.00 per day for storage fees may be charged; however, no storage
35 fee shall be charged for the first 24-hour period of storage of either the towed vehicle or

1 personal property found in the towed vehicle.

2 (3) The fee for removal shall be all-inclusive; and no additional fees may be charged for
3 using dollies, trailers, lifts, slim jims, or any other special equipment or services provided by
4 the towing establishment.

5 (4) If a certified letter is sent to the owner/lien holder/insurance company pursuant to F.S.
6 § 713.78, an administrative fee of \$33.00 plus postage plus any out-of-state charges, may be
7 charged 72 hours after the tow but not before the receipt of a paid certified mail receipt from
8 the post office by the towing establishment. An after-hours release fee of \$25.00 may be
9 charged by the towing establishment for releasing a stored vehicle between the hours of
10 11:00 p.m. and 8:00 a.m.

11 (5) Motor vehicles carrying other vehicles (boats, cars, trucks, aircraft, tractors, heavy
12 equipment, ATVs and motorcycles) that are securely attached shall be considered part of that
13 vehicle's load and no additional fee shall be charged.

14 (b) A person who provides trespass towing and storage services pursuant to this section shall
15 accept payment for towing and storage charges from the vehicle owner or authorized representative
16 in any of the following forms:

17 (1) Cash; or

18 (2) Valid major credit card or debit card.

19 (c) Maximum trespass towing and storage fees shall be established annually by the Board of
20 County Commissioners after receiving recommendations from the towing establishments describing
21 their costs for the removal and storage of vehicles and personal property. The maximum fees shall be
22 set by resolution to be adopted by the Board of County Commissioners prior to December 31 of each
23 year. Such maximum fees shall be effective during the following calendar year unless amended by a
24 subsequent resolution.

25 **Sec. 11-342. Receipt from towing service to be furnished to owner when vehicle towed from**
26 **private property is claimed.**

27 When a towed vehicle is claimed, the towing service shall furnish the owner or other legally
28 authorized person with a receipt which shall include the name of the person who authorized the
29 towing. The receipt shall also include the following language:

30 "Notice: Towing from private property is regulated by the provisions of Section 715.07,
31 Florida Statutes and Leon County Ordinance No. _____."

32 **Sec. 11-343. Vehicle not towed upon operator returning.**

33 The owner or operator of any towing service vehicle which is summoned to tow away any vehicle,
34 whether on a public street, public property, or private property, shall not remove or tow the vehicle
35 away and shall not charge any fee if the vehicle operator returns to the vehicle prior to the towing
36 service operator having physically connected the vehicle to the towing apparatus. "Physically
37 connected" shall mean one-half of the wheel lift apparatus surrounding a tire or the winch hook being

properly hooked to the vehicle in an appropriate place on the vehicle where it can safely be towed or winched. If the vehicle is physically connected but not towed away, the towing establishment may charge up to one-half of the allowable fees as set forth in this article. If the registered owner or other legally authorized person arrives at the scene prior to the removal or towing of the vehicle, the vehicle shall be disconnected from the towing or removal apparatus, and that person shall be allowed to remove the vehicle without interference, upon payment of a reasonable service fee of not more than one-half of the posted rate, for which a receipt shall be given, unless that person refuses to remove the vehicle which is otherwise unlawfully parked. Removal or towing of the vehicle includes the act of removing the vehicle off of the physical premises that the towing contract encompasses.

Sec. 11-344. Trespass towing rules and regulations; authorization.

The sheriff shall be authorized to promulgate rules and regulations for the administration of trespass towing.

Secs. 11-345 – 11-349. Reserved.

DIVISION 3. ROTATION TOWING

Sec. 11-350. Fees charged for rotation towing.

(a) Maximum charges for towing and storage services provided by towing wrecker operators in Leon County incident to the rotation system are set forth in the following schedule:

Disabled Vehicles and Crash Towing	Class A	Class B	Class C
Business hours (8:00 a.m. to 6:00 p.m.)	88.00	110.00	230.00
Night hours (6:01 p.m. to 7:59 a.m.)	110.00	135.00	230.00
Weekends and holidays (6:01 p.m. Fri. to 7:59 a.m. Mon.)	110.00	135.00	230.00

Mileage rate per-mile charge outside (boundaries for Leon County are Capital Circle and Interstate 10)	7.00	7.00	8.00
Hourly rate for waiting or working time on scene after the first 30 minutes (Class A, \$20.00 per one- quarter hour) (Class B, \$25.00 per one-quarter hour) (Class C, \$56.25 per one-quarter hour)	88.00	110.00	230.00

Dollies	-	-	-
Business hours	30.00	30.00	N/A
Night hours	35.00	35.00	N/A
Weekends and holidays	35.00	35.00	N/A

(6:01 p.m. Fri. to 7:59 a.m. Mon.)			
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1

Winching vehicle and uprighting vehicle, per tow	-	-	-
Business hours (8:00 a.m. to 6:00 p.m.)	30.00	30.00	-
Night hours (6:01 p.m. to 7:59 a.m.)	35.00	35.00	-
Weekends and holidays (6:01 p.m. Fri. to 7:59 a.m. Mon.)	35.00	35.00	-

2

Additional time at the scene	-	-	-
Business hours: waiting or labor on scene after the first 30 minutes (per person)	50.00	50.00	50.00
Nights, weekends and holidays: waiting or labor on scene after the first 30 minutes (per person)	50.00	50.00	50.00

3

Landoll trailer, semi rollback or drop back trailer or truck (with one hour minimum, \$300.00)	-	-	325.00
Airbags (with one hour minimum, \$900.00)	-	-	925.00

4

Storage, fenced yard, per day, after the first 24 hours	20.00	30.00	-
Tractor	-	-	35.00
Trailer	-	-	35.00

5

Inside storage per day, after the first 24 hours	25.00	35.00	-
Tractor	-	-	45.00
Trailer	-	-	45.00

6

After hours gate fee (applies from 6:00 p.m. to 7:00 a.m.)	30.00	30.00	30.00
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7

Administrative fee pursuant to F.S. § 713.78 that may be charged three days after the tow but not before the receipt of a paid certified mail receipt by the towing establishment. (An additional fee may be charged if a process server is required. The fee shall not exceed the total amount charged by the process server.)	33.00 (plus postage and out-of-state fees)	33.00 (plus postage and out-of-state fees)	33.00 (plus postage)
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8

1

<u>Disabled Vehicles and Crash Towing</u>	<u>Class A</u>	<u>Class B</u>	<u>Class C</u>	<u>Class D</u>
Business hours (8:00 a.m. to 6:00 p.m.)	<u>110.00</u>	<u>140.00</u>	<u>300.00</u>	<u>400.00</u>
Night hours (6:01 p.m. to 7:59 a.m.)	<u>140.00</u>	<u>170.00</u>	<u>400.00</u>	<u>500.00</u>
Weekends and holidays (6:01 p.m. Fri. to 7:59 a.m. Mon.)	<u>140.00</u>	<u>170.00</u>	<u>400.00</u>	<u>500.00</u>

2

Mileage rate per-mile charge outside (boundaries for Leon County are Capital Circle and Interstate 10)	<u>8.00</u>	<u>8.00</u>	<u>10.00</u>	<u>10.00</u>
Hourly rate for waiting or working time on scene after the first 30 minutes (Class A, \$25.00 per one-quarter hour), (Class B, \$31.25 per one-quarter hour), (Class C, \$68.75 per one-quarter hour) and (Class D, \$87.50)	<u>100.00</u>	<u>125.00</u>	<u>275.00</u>	<u>350.00</u>

3

<u>Dollies</u>				
Business hours	<u>35.00</u>	<u>35.00</u>	<u>N/A</u>	<u>N/A</u>
Night hours	<u>40.00</u>	<u>40.00</u>	<u>N/A</u>	<u>N/A</u>
Weekends and holidays (6:01 p.m. Fri. to 7:59 a.m. Mon.)	<u>40.00</u>	<u>40.00</u>	<u>N/A</u>	<u>N/A</u>

4

<u>Winching vehicle and uprighting vehicle, per tow</u>				
Business hours (8:00 a.m. to 6:00 p.m.)	<u>35.00</u>	<u>35.00</u>		
Night hours (6:01 p.m. to 7:59 a.m.)	<u>40.00</u>	<u>40.00</u>		
Weekends and holidays (6:01 p.m. Fri. to 7:59 a.m. Mon.)	<u>40.00</u>	<u>40.00</u>		

5

<u>Additional time at the scene</u>				
Business hours: waiting or labor on scene after the first 30 minutes (per person)	<u>60.00</u>	<u>60.00</u>	<u>60.00</u>	<u>60.00</u>
Nights, weekends and holidays: waiting or labor on scene after the first 30 minutes (per person)	<u>60.00</u>	<u>60.00</u>	<u>60.00</u>	<u>60.00</u>

6

Landoll trailer, semi rollback or drop back trailer or truck (with one hour minimum, \$300.00)			<u>425.00</u>	<u>425.00</u>
Airbags (with one hour minimum, \$900.00)			<u>1080.00</u>	<u>1080.00</u>
Service Call Rate	<u>½ the applicable towing rate</u>			

<u>Storage Fees</u>				
Storage, fenced yard, per day, after the first 24 hours	<u>25.00</u>	<u>35.00</u>		
Tractor			<u>40.00</u>	<u>40.00</u>
Trailer			<u>40.00</u>	<u>40.00</u>
Inside storage per day, after the first 24 hours	<u>30.00</u>	<u>40.00</u>		
Tractor			<u>50.00</u>	<u>50.00</u>
Trailer			<u>50.00</u>	<u>50.00</u>
After-hours gate fee (applies from 6:00 p.m. to 7:00 a.m.)	<u>35.00</u>	<u>35.00</u>	<u>35.00</u>	<u>35.00</u>

Administrative fee pursuant to F.S. § 713.78 that may be charged three days after the tow but not before the receipt of a paid certified mail receipt by the towing establishment. (An additional fee may be charged if a process server is required. The fee shall not exceed the total amount charged by the process server.)	<u>40.00</u> (plus postage and out-of-state fees)	<u>40.00</u> (plus postage and out-of-state fees)	<u>40.00</u> (plus postage and out-of-state fees)	<u>40.00</u> (plus postage and out-of-state fees)
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(b) It shall be a violation of this article for a towing wrecker operator or towing establishment summoned pursuant to a rotation system to charge any additional fees without the advance permission of the vehicle owner, driver, or authorized representative.

(c) Violation of this section shall constitute a non-criminal offense and shall be grounds for suspension from the rotation system as outlined in the administrative rules and regulations promulgated by the sheriff.

Sec. 11-351. Rotation system authorization.

(a) The sheriff or designee is authorized by F.S. § 323.002, to establish a rotation wrecker towing system utilizing qualified towing wrecker operators for the removal and storage of wrecked or

1 disabled vehicles when the owner or operator of the vehicle leaves the procurement of a towing
2 service to the investigating law enforcement officer.

3 (b) There shall be a standard response time (SRT) for responding to towing requests made by
4 LCSO. No greater than a 45 minute arrival response time shall be the SRT, unless exceptional
5 circumstances, including but not limited to, weather, traffic, etc., prohibit compliance. When a
6 failure to comply with the SRT is reported to the towing administrator, it shall be the responsibility
7 of the towing establishment to provide sufficient evidence to establish that the failure to comply was
8 due to exceptional circumstances. Failure to comply with the SRT shall subject the towing
9 establishment to be skipped in the next rotation.

10 **Sec. 11-352. Vehicle owner requests for specific service.**

11 The rotation system rules and fees do not apply to a vehicle owner's request for utilization of a
12 specific towing wrecker operator or towing establishment when such a request can be reasonably
13 honored.

14 **Sec. 11-353. Wreck chasing prohibited.**

15 Towing establishments must adhere to F.S. § 323.002, specifically regarding wreck chasing.

16 **Sec. 11-354. Rotation towing rules and regulations; authorization.**

17 The sheriff shall be authorized to promulgate rules and regulations for the administration of rotation
18 towing.

19 **Secs. 11-355 – 11-375. Reserved.**

20

21 **Section 2. Conflicts.**

22

23 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are
24 hereby repealed to the extent of such conflict, except to the extent of any conflicts with the
25 Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over
26 any parts of this ordinance which are inconsistent, either in whole or in part, with the said
27 Comprehensive Plan.

28

29 **Section 3. Severability.**

30

31 If any word, phrase, clause, section or portion of this ordinance shall be held invalid or
32 unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a
33 separate and independent provision and such holding shall not affect the validity of the remaining
34 portions thereof.

35

36 **Section 4. Effective Date.**

37

38 This ordinance shall have effect upon becoming law.

39

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County,
2 Florida, this 13th day of November, 2012.
3



LEON COUNTY, FLORIDA

BY: 

AKIN S. ARINYEMI, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

12 ATTESTED BY:
13 BOB INZER, CLERK OF THE COURT
14

15
16 BY: 

17 CLERK
18
19

20 APPROVED AS TO FORM:
21 COUNTY ATTORNEY'S OFFICE
22 LEON COUNTY, FLORIDA
23

24
25 BY: 

26 HERBERT W.A. THIELE, ESQ.
27 COUNTY ATTORNEY

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (LEON) COUNTY ORDINANCE # (12-15)
(e.g., 00-001)

PRIMARY KEYFIELD
DESCRIPTOR: (VEHICLES)

SECONDARY KEYFIELD
DESCRIPTOR: (TRANSPORTATION)

OTHER KEYFIELD
DESCRIPTOR: (CODE/REGULATIONS)

ORDINANCE DESCRIPTION: (TOWING REGULATIONS)
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (11-330) AMENDMENT # 2: (11-332)

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: () REPEAL # 3: ()

REPEAL # 2: () REPEAL # 4: ()

(Others repealed: List all that apply): _____

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: ()

KEYFIELD 1 CODE: ()

KEYFIELD 2 CODE: ()

KEYFIELD 3 CODE: ()

Rev. 4/10/01