



29 the City pursuant to the City Commission Policy concerning Reserved On-Street Parking for  
30 Historic Properties in Special Character Districts, and where signage has been installed adjacent  
31 to the parking space notifying the public that the space is reserved.

32 *Trespass towing* means towing or removal of a vehicle that is parked on private real property, or  
33 parked in a reserved parking space adjacent to historic property without authorization, at the  
34 property owner's direction.

35 *Wrecker operator* means any driver or other employee that has direct access to any towed  
36 vehicle.

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38 **Sec. 20-162. Owner, operator and vehicle registration provisions.**

39 (a) It shall be unlawful for any person, either as principal, agent or employee, to do any trespass  
40 towing without having first registered the owner, wrecker operators and towing service vehicles  
41 with the police department, using a format approved by the police department. The information  
42 for registration shall contain the make, model and manufacturer's serial number of the vehicle;  
43 date the vehicle was put into service; the driver's license number of the owner and of all towing  
44 service vehicles; the name of the insurance company or companies with which the owner and  
45 operators have liability insurance coverage for the operation of the vehicle as required by law;  
46 the name and driver's license number of all employees involved in the towing of vehicles from  
47 public and private property, and such other information as may be required.

48 (b) It shall be unlawful for the owner of any wrecker service to permit any person to be  
49 employed as a wrecker operator within the city unless such person has been granted a written  
50 permit to engage in towing as required by Chapter 11 of the Leon County Code of Laws.

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52 **Sec. 20-163. Revocation; appeal.**

53 (a) The chief of police may revoke the privilege of any person to do trespass towing on any of  
54 the following grounds:

55 (1) If the towing service owner fails to register as required by this article;

56 (2) If the registration contains false statement of a material fact;

57 (3) If the towing service owner or wrecker operator provides monetary or other  
58 compensation to the ~~private~~ property owner for the privilege of towing vehicles from the  
59 property under contract or from a reserved parking space adjacent to historic property;

60 (4) ~~If t~~The towing service owner or operator provides monetary compensation to the  
61 ~~private~~ property owner for each individual vehicle towed from the property or from a  
62 reserved parking space adjacent to historic property;

63 (5) If the towing service owner or wrecker operator charges fees in excess of those set out  
64 in section 20-168

65 (6) If the towing service owner or wrecker operator violates any of the provisions of this  
66 article; or

67 (7) If a wrecker operator fails to display on or about his person or on the dashboard of the  
68 wrecker, easily visible to the public, the Leon County wrecker operator permit while  
69 performing a trespass tow.

70 (b) Three violations of the provisions of this article by any owner and/or operator of a towing  
71 service or towing service vehicle shall result in the automatic suspension of the owner's or  
72 operator's privilege to engage in the business of trespass towing. An owner shall not be

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74 suspended for acts of an employee/operator in violation of this section unless the owner actively  
75 participated in or had knowledge of the violation and took no corrective action against the  
76 employee/operator.

77 (1) The owner or operator shall be informed in person or by certified or registered mail  
78 within seven days prior to the effective date of the suspension.

79 (2) The owner or operator may make a written request for a due process hearing within  
80 15 calendar days of the date of the suspension. Failure to request a hearing within the 15  
81 calendar-day period shall constitute a waiver by the owner or operator of any right to a  
82 hearing.

83 (3) The city manager shall establish rules governing the conduct of the hearing to ensure  
84 the due process of law.

85 (4) Upon a review of the evidence presented at the hearing, the chief of police may  
86 revoke the owner's or operator's privilege to engage in the business of trespass towing for  
87 up to one year.

88 (c) Any towing service owner or operator whose privilege to engage in trespass towing has been  
89 revoked shall not be eligible to again register with the police department for trespass towing for a  
90 period of one year from the date of revocation.

91 (d) Any towing service owner or operator whose privilege to engage in the business of trespass  
92 towing has been revoked may file an appeal within 15 days of the date of revocation pursuant to  
93 the appeals process specified in rules adopted by the city manager.

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95 **[Secs. 20-164 and 20-165 not affected] . . . .**

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97 **Sec. 20-166. Approval of trespass towing signs; prerequisites to towing vehicles parked on**  
98 **private property; exceptions.**

99 (a) It shall be unlawful for a person hired by the owner of private property within the city to do  
100 any trespass towing without having first obtained approval of the police department of the signs  
101 posted on the property. In addition to the requirements of F.S. § 715.07, the wording on the sign  
102 shall indicate if towing is conducted other than normal business hours by the posting of a sign  
103 indicating "24 hours per day."

104 (b) It shall be unlawful for any person to tow or cause to be towed any vehicle parked on private  
105 real property unless the provisions of F.S. § 715.07 have been complied with together with the  
106 following requirements:

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

- 110 a. The duration of the agreement.
- 111 b. The time of day that such towing or removal is authorized.
- 112 c. The days of the week that such towing or removal is authorized.
- 113 d. The fees to be paid for the towing or removal.
- 114 e. The signatures of both the property owner, or the authorized representative, and  
115 the owner, or authorized representative, of the towing service, certifying that each  
116 has read and is in compliance with all of the provisions of F.S. § 715.07.
- 117 f. The form for such agreement shall be provided by the police department, and  
118 may not be amended or modified in any manner, which provides for terms or  
119 activities, which violate the provisions of this article or F.S. § 715.07.

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120 (2) A copy of the completed agreement is on file with the police department.

121 (3) Where the private real property is provided for residential parking other than for a  
122 single-family residence, the agreement, except as provided in subsection (be)(4) of this  
123 section, shall not authorize the towing service to tow away or remove any vehicle without  
124 a verified request to remove the specific vehicle by the property owner or an authorized  
125 representative. A property owner's representative may include a resident manager, a  
126 property manager or other agent who has the legal authority to bind the owner, but may  
127 not be an officer, employee or agent of a towing service.

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

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

135 b. The towing contract on file with the police department as required by  
136 subsection (be)(1) of this section shall be amended to provide for roam towing  
137 between the hours of 12:00 midnight and 7:00 a.m.

138 c. A photograph of the "offending" vehicle shall be taken prior to its removal and  
139 should be maintained by the wrecker company for a minimum period of two  
140 years. The photograph shall demonstrate the violation of law, rule or regulation  
141 for which the vehicle is being towed.

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142 d. Lease, rental or property owners' association documents shall contain a notice  
143 provision indicating that the residential property utilizes roam towing. In the case  
144 of properties with existing leases, rental agreements or property owners'  
145 association documents, it shall be sufficient to notify by regular mail, at the last  
146 known address, each of the tenants/owners of the property prior to the initiation of  
147 roam towing. All amendments to or new leases, rental agreements or property  
148 owners' association documents shall contain the provision giving notice that the  
149 property owner intends to utilize roam towing, and a complete and specifically  
150 detailed list of all towing instructions and rules violations that will result in  
151 towing. A copy these provisions must be posted in the rental office and the  
152 common area. A copy must also be maintained on file in each tow vehicle  
153 removing vehicles from the property. The towing administrator shall review and  
154 approve the parking rules. At the entrance or entrances a sign shall be posted  
155 stating where the parking rules can be read by residents and guests. The parking  
156 rules shall be posted in a public area at the complex. The management, to ensure  
157 that they have not been altered, should regularly inspect them; any sign that is  
158 removed or defaced shall be replaced within 30 days.

159 (5) The provisions of this article shall not apply to:

- 160 a. The towing of vehicles pursuant to other provisions in this chapter.
- 161 b. The towing of vehicles from property appurtenant to and obviously a part of a  
162 single-family residence.

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164 c. When notice is personally given to the owner or other legally authorized person  
165 in control of the vehicle that the area in which that vehicle is parked is reserved or  
166 otherwise unavailable and that the unauthorized vehicle will be removed at the  
167 owner's or operator's expense.

168 (c) The 24-hour notice requirement of this section shall not apply where the tow is of an  
169 emergency nature and the owner has notified the police department prior to removing the  
170 vehicle. The term "emergency" in this section shall only include circumstances where the usual  
171 operation of a business is impeded by the blocking of entrances, exits or access to operational  
172 equipment, but specifically shall not include tows for the purpose of clearing parking areas.

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

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

178 (1) Each and every document or other item which must be produced to retrieve the  
179 vehicle.

180 (2) The exact charges as of the time of the telephone call, and the rate at which charges  
181 will accumulate thereafter.

182 (3) The acceptable methods of payment.

183 (4) That the vehicle can be picked up within one hour of request.

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186 **Sec. 20-167. Approval of trespass towing signs; prerequisites to towing vehicles parked in**  
187 **reserved parking space adjacent to historic property.**

188 (a) It shall be unlawful for a person hired by the owner of a historic property with adjacent  
189 reserved parking to do any trespass towing without having first obtained approval of the police  
190 department of the signs posted on the property. The owner of a historic property with adjacent  
191 reserved parking shall comply with the signage and notice provisions set out in F.S. § 715.07.

192 (b) It shall be unlawful for any person to tow or cause to be towed any vehicle parked in a  
193 reserved parking space adjacent to historic property without compliance with the following  
194 requirements:

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

- 198 a. The duration of the agreement.  
199 b. The time of day that such towing or removal is authorized.  
200 c. The days of the week that such towing or removal is authorized.  
201 d. The fees to be paid for the towing or removal.

202 (2) A copy of the completed agreement shall be on file with the police department.

203 (3) A vehicle shall not be towed from a reserved parking space adjacent to historic  
204 property unless the historic property owner, or an authorized representative thereof, has  
205 identified the vehicle as parked in the reserved space without authorization.

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

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

211 (1) Each and every document or other item which must be produced to retrieve the  
212 vehicle.

213 (2) The exact charges as of the time of the telephone call, and the rate at which charges  
214 will accumulate thereafter.

215 (3) The acceptable methods of payment.

216 (4) That the vehicle can be picked up within one hour of request.

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218 **Sec. 20-1687. Fees charged.**

219 (a) Fees shall be charged as follows:

220 (1) Any towing and storage firm engaged in the business of trespass towing shall not  
221 charge the owner of any towed vehicle or personal property in excess of \$88.00 for the  
222 removal of a Class A vehicle, \$145.00 for the removal of a Class B vehicle, and \$300.00  
223 for the removal of a Class C vehicle. Fees shall be paid according to the gross vehicle  
224 weight of the vehicle they are attempting to tow.

225 (2) No more than \$15.00 per day for storage fees may be charged; however, no storage  
226 fee shall be charged for the first 24-hour period from the time the vehicle or personal  
227 property is towed or removed.

228 (3) The fee for removal shall be all-inclusive; and no additional fees may be charged for  
229 using dollies, trailers, lifts, slim jims, or any other special equipment or services. If a  
230 certified letter is sent to the owner/lien holder/insurance company pursuant to F.S. §

231 713.78, an administrative fee of \$33.00 plus postage plus any out-of-state charges, may  
232 be charged three days after the tow but not before the receipt of a paid certified mail  
233 receipt from the post office by the towing and storage firm. An after hours release fee of  
234 \$30.00 may be charged by the towing and storage firm for releasing a stored vehicle  
235 between the hours of 11:00 p.m. and 8:00 a.m.

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

239 (b) A person, firm or corporation which provides trespass towing and storage services pursuant  
240 to this ~~article section~~ shall accept payment for charges from the vehicle owner or authorized  
241 representative in any of the following forms:

242 (1) Cash; or

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

244 (c) Maximum trespass towing and storage fees shall be established annually by the city  
245 commission after receiving recommendations based on financial information submitted by the  
246 trespass towing companies as to their costs for the removal and storage of vehicles and personal  
247 property and on other information. The required information shall be submitted by the towing  
248 company owners by October 31 of each year. The maximum fees shall be set by resolution to be  
249 adopted by the city commission prior to December 31 of each year. Such maximum fees shall be  
250 effective during the following calendar year and until changed by subsequent resolution.

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253 **Sec. 20-1698. Vehicle not towed upon operator returning; receipt to be furnished when**  
254 **vehicle claimed.**

255 (a) The owner or operator of any towing service vehicle which is summoned to tow away any  
256 vehicle, whether on a public street, public property, or private property, shall not remove or tow  
257 the vehicle away and shall not charge any fee if the vehicle operator returns to the vehicle prior  
258 to the towing service operator having physically connected the vehicle to the towing apparatus.  
259 The term "physically connected" means one-half of the wheel lift apparatus surrounding a tire or  
260 the winch hook being properly hooked to the vehicle in an appropriate place on the vehicle  
261 where it can safely be towed or winched. If the vehicle is physically connected but not towed  
262 away, the towing company may charge up to one-half of the allowable fees as set forth in this  
263 article. If the registered owner or other legally authorized person arrives at the scene prior to the  
264 removal or towing of the vehicle, the vehicle shall be disconnected from the towing or removal  
265 apparatus, and that person shall be allowed to remove the vehicle without interference upon  
266 payment of a reasonable service fee of not more than one-half of the posted rate, for which a  
267 receipt shall be given, unless that person refuses to remove the vehicle which is otherwise  
268 unlawfully parked. Removal or towing of the vehicle shall be defined as removing the vehicle off  
269 of the physical premises that the towing contract encompasses.

270 (b) When a towed vehicle is claimed, the towing service shall furnish the owner or other legally  
271 authorized person with a receipt, which shall include the name of the person who authorized the  
272 towing. The receipt shall also include the following language:

273 "Notice: Towing from private property is regulated by the provisions of Section 715.07, Florida  
274 Statutes, and City of Tallahassee Ordinance."  
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276 **Sec. 20-17069. Prohibitions; penalties.**

277 (a) It shall be a violation of this article to charge any fee which is based on police response to a  
278 call by the owner of a vehicle.

279 (b) It shall be a violation of this article to charge a release fee for towed vehicles that are released  
280 from storage facilities during normal business hours. Normal business hours shall be from 7:00  
281 a.m. to 11:00 p.m.

282 (c) It shall be a violation of this article for any person other than the real property owner or an  
283 authorized representative of the owner to move, remove or deface any tow away sign.

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

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

288 (f) Except for towing in the normal course of its business, it shall be a violation of this article for  
289 a towing or wrecker service to tow vehicles from its property or the property of its agents, unless  
290 the property is the towing service owner's primary place of business.

291 (g) It shall be a violation of this article to operate a wrecker without maintaining insurance  
292 coverage in the following minimum amounts:

293 (1) Garage liability insurance in an amount of not less than \$300,000.00 combined single  
294 limit liability.

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

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

300 (4) Bodily injury liability insurance and property damage liability insurance in amounts  
301 of:

302 a. Not less than \$50,000.00 per occurrence for a wrecker with a gross vehicle  
303 weight of less than 35,000 pounds.

304 b. Not less than \$100,000.00 per occurrence for a wrecker with a gross vehicle  
305 weight of less than 35,000 pounds or more but less than 44,000 pounds.

306 c. Not less than \$300,000.00 per occurrence for a wrecker with a gross vehicle  
307 weight of more than 44,000 pounds.

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

312 (i) It shall be a violation of this article for any owner or wrecker employee of a towing or  
313 wrecker service to demand a "no tow" fee if the vehicle they are physically connected to exceeds  
314 the gross vehicle weight of the wrecker. For example, a Class A wrecker is not capable of towing  
315 a Class C vehicle because the combined weight of the two vehicles exceeds the gross vehicle  
316 weight capability of the wrecker.

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

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

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

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329 **Sec. 20-1710. Liens for recovering, towing, or storing vehicles; publication of notice.**

330 (a) Any person regularly engaged in the business of recovering, towing or storing vehicles who  
331 comes into possession of a vehicle pursuant to F.S. § 713.78(2), and who claims a lien for  
332 recovery, towing, or storage services, shall give notice to the registered owner and to all persons  
333 claiming a lien thereon, as disclosed by the records in the Florida Department of Highway Safety  
334 and Motor Vehicles or of a corresponding agency in any other state. The notice shall be as  
335 provided in F.S. § 713.78(4).

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

338 (c) If publication of notice is required, such notice shall be published in a newspaper of general  
339 circulation in the county which is published at least one day a week and of general interest and  
340 readership in the county pursuant to F.S. ch. 50, not one of limited subject matter.

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**Section 2. Conflicts.** All ordinances and parts of ordinances of the City of Tallahassee Code in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 3. Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 4. Effective Date.** This ordinance shall become effective immediately upon passage.

INTRODUCED in the City Commission on the 12<sup>th</sup> day of February, 2014.

PASSED by the City Commission on the 26<sup>th</sup> day of February, 2014.

CITY OF TALLAHASSEE

By: \_\_\_\_\_  
John R. Marks, III  
Mayor

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
James O. Cooke, IV  
City Treasurer-Clerk

By: \_\_\_\_\_  
Lewis E. Shelley  
City Attorney