

1 RESOLUTION NO. 2015-051

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 PERTAINING TO REGULATION OF VEHICLE TOWING
5 AND IMMOBILIZATION, AMENDING CHAPTER 27 OF THE
6 BROWARD COUNTY ADMINISTRATIVE CODE
7 ("ADMINISTRATIVE CODE"); REPEALING SECTIONS
8 27-150 AND 27-151 OF THE ADMINISTRATIVE CODE;
9 ADOPTING NEW TOWING AND IMMOBILIZATION RATES;
10 AND PROVIDING FOR SEVERABILITY, INCLUSION IN
11 THE ADMINISTRATIVE CODE, AND AN EFFECTIVE
12 DATE.

13 WHEREAS, on October 14, 2014, the Board of County Commissioners repealed
14 Sections 20-176.12 through 20-176.35 of the Broward County Code of Ordinances and
15 enacted new towing and immobilization regulations that will go into effect on
16 April 1, 2015; and

17 WHEREAS, the Board of County Commissioners of Broward County, Florida
18 ("Board"), desires to repeal Sections 27-150 and 27-151 of the Broward County
19 Administrative Code ("Administrative Code"), and replace those sections with new
20 towing and immobilization rates, NOW, THEREFORE,

21 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
22 BROWARD COUNTY, FLORIDA:

23 Section 1. Sections 27-150 and 27-151 of the Administrative Code are hereby
24 repealed in their entirety.

Section 2. Section 27-150 of the Administrative Code is hereby created to
read as follows:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 [Underlining omitted]

2 **Sec. 27-150. Maximum nonconsent rates.**

3 Maximum and allowable rates for nonconsent towing and immobilization, as
4 defined in the Broward County Code of Ordinances, shall be as follows:

5 (a) Tows from private property ("Private Property Tows"):

6 (1) Class A Vehicle Towed:

- 7 a. Towing Fee - \$120.
- 8 b. Storage Fee - \$24 per twenty-four (24) hours.
- 9 c. Administrative Fee - \$30.
- 10 d. Research Fee - actual costs incurred in obtaining vehicle ownership
11 information and providing notice may be charged to the person
12 retrieving the vehicle.

13 (2) Class B Vehicle Towed:

- 14 a. Towing Fee - \$175. If a flatbed is used, the fee is \$195.
- 15 b. Storage Fee - \$43 per twenty-four (24) hours.
- 16 c. Administrative Fee - \$30.
- 17 d. Research Fee - actual costs incurred in obtaining vehicle ownership
18 information and providing notice may be charged to the person
19 retrieving the vehicle.
- 20 e. Labor Fee - \$175 per hour (starting when the person arrives at the
21 scene of the vehicle and ending when such person leaves the
22 scene), per person.

23 (3) Class C Vehicle Towed:

- 24 a. Towing Fee - \$300. If a flatbed is used, the fee is \$322.

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- b. Storage Fee - \$50 per twenty-four (24) hours.
- c. Administrative Fee - \$30.
- d. Research Fee - actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.
- e. Labor Fee - \$300 per hour (starting when the person arrives at the scene of the vehicle and ending when such person leaves the scene), per person.

(4) Class D Vehicle Towed:

- a. Towing Fee - \$400. If a flatbed or lowboy is used, the fee is \$322.
- b. Storage Fee - \$50 per twenty-four (24) hours.
- c. Administrative Fee - \$30.
- d. Research Fee - actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.
- e. Labor Fee - \$100 per ¼ hour (starting when the person arrives at the scene of the vehicle and ending when such person leaves the scene), per person.

(b) Tows directed or performed by government agencies ("Other Tows"):

(1) Class A Vehicle Towed:

- a. Towing Fee:
 - 1. First fifteen (15) minutes - \$130.
 - 2. Each additional thirty (30) minutes or fraction thereof - \$55.
- b. Storage Fee:

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1. Indoor Storage: \$30 per twenty-four (24) hours.
 2. Outdoor Storage: \$24 per twenty-four (24) hours.
 - c. Administrative Fee - \$30.
 - d. Research Fee - actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.
- (2) Class B Vehicle Towed:
- a. Towers may charge the same rates charged for Class B Private Property Tows, as identified in (a)(2), above.
- (3) Class C Vehicle Towed:
- a. Towers may charge the same rates charged for Class C Private Property Tows, as identified in (a)(3), above.
- (4) Class D Vehicle Towed:
- a. Towers may charge the same rates charged for Class D Private Property Tows, as identified in (a)(4), above.
- (c) Immobilization: \$65 per vehicle.
- (d) Road Service:
- (1) Class A - \$40.
 - (2) Class B - \$56.
 - (3) Class C - \$72.50.
 - (4) Class D - \$72.50.
- (e) Winch Recovery:
- (1) Class A - \$100 for the first thirty (30) minutes and \$50 for each additional thirty (30) minutes.

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- 1 (2) Class B - \$175 for the first thirty (30) minutes and \$87.50 for each
2 additional thirty (30) minutes.
- 3 (3) Class C - \$300 for the first thirty (30) minutes and \$150 for each additional
4 thirty (30) minutes.
- 5 (4) Class D - \$400 for the first thirty (30) minutes and \$200 for each additional
6 thirty (30) minutes.
- 7 (f) Miscellaneous fee provisions:
- 8 (1) If the towed vehicle is retrieved within the first six (6) hours of arriving at
9 the storage facility, the person retrieving the vehicle may not be charged a
10 Storage Fee.
- 11 (2) An Administrative Fee may not be charged if the vehicle owner is
12 identified within twenty-four (24) hours of the vehicle arriving at the
13 storage facility.
- 14 (3) The person retrieving the vehicle may pay a \$5 voluntary fee to expedite
15 vehicle ownership verification.
- 16 (4) The rates for Other Tows do not apply to tows conducted on behalf of a
17 government agency pursuant to a contract between the government
18 agency and a licensed tow company if such contract provides a different
19 rate structure.
- 20 (5) Research Fees may be charged only when the tow company providing the
21 service must actually perform research to determine ownership of a
22 vehicle to notify the vehicle owner, lien-holders, and insurance companies.
23 Written documentation of the efforts undertaken to ascertain ownership of
24 the vehicle must be made available for inspection by the County upon

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1 request. Costs shall mean actual fees charged by the State of Florida for
2 obtaining ownership information and shall include the cost of actual
3 postage fees, advertising fees (if more than a single vehicle is advertised
4 in the same advertisement, then the cost of the advertisement shall be
5 prorated per vehicle), and title search for out-of-state vehicles. Proof of all
6 costs incurred by the tow company must be made available for inspection
7 by the County upon request.

- 8 (6) Effective October 1, 2015, and each October 1 through October 1, 2019,
9 all fees referenced in this Section 27-150 shall be increased by the annual
10 percentage change in the Consumer Price Index ("CPI") or three percent
11 (3%), whichever is less. Each year's fee increase shall be calculated
12 based on the fee amount from the previous year. The CPI utilized shall be
13 the most recent CPI reported by the Bureau of Labor Statistics,
14 Southeastern Regional Office (1982-84=100), urban wage earners and
15 clerical workers, for all items not seasonally adjusted as published in
16 January. The adjusted fees shall be calculated by the Broward County
17 Environmental Licensing and Building Permitting Division and shall be
18 posted on its website. After October 1, 2019, but before October 1, 2020,
19 the Board of County Commissioners must consider future CPI increases
20 to the rates provided for herein.

21 Section 3. SEVERABILITY.

22 If any portion of this Resolution is determined by any Court to be invalid, the
23 invalid portion shall be stricken, and such striking shall not affect the validity of the
24 remainder of this Resolution. If any Court determines that this Resolution, or any

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1 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
2 property(ies), or circumstance(s), such determination shall not affect the applicability
3 hereof to any other individual, group, entity, property, or circumstance.

4 Section 4. INCLUSION IN THE ADMINISTRATIVE CODE.

5 It is the intention of the Board of County Commissioners that the provisions of
6 this Resolution shall become and be made a part of the Broward County Administrative
7 Code; and that the sections of this Resolution be renumbered or relettered and the word
8 "resolution" may be changed to "section," "article," or such other appropriate word or
9 phrase in order to accomplish such intentions.

10 Section 5. EFFECTIVE DATE.

11 This Resolution shall become effective on the 1st day of April, 2015.

12
13 ADOPTED this 10th day of February, 2015. Item 4-PH

14
15 Approved as to form and legal sufficiency:
16 Joni Armstrong Coffey, County Attorney

17 By /s/ Carlos A. Rodriguez-Cabarrocas 02/11/15
18 Carlos A. Rodriguez-Cabarrocas (date)
19 Assistant County Attorney
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21
22

23 CRC/lr
02/11/15
Towing & Immobilization Rates
24 14-417.00

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