

1 Section 2. Section 20-176.12 of the Code is hereby created to read as
2 follows:

3 **Sec. 20-176.12. Definitions.**

4 (a) *Board* shall mean the Board of County Commissioners of Broward County,
5 Florida.

6 (b) *Consent tow* shall mean the towing of a vehicle with the consent of the
7 vehicle owner.

8 (c) *Consumer Protection Board* shall mean the board established by
9 Section 20-167 of the Broward County Code of Ordinances.

10 (d) *Director* shall mean the Director of the Broward County Environmental
11 Licensing and Building Permitting Division or any successor agency, or the Director's
12 designee.

13 (e) *Division* shall mean the Broward County Environmental Licensing and
14 Building Permitting Division, or any successor Broward County agency.

15 (f) *Employee* shall mean any natural person who is compensated financially
16 and issued an annual federal tax statement of earnings (W-2 Form).

17 (g) *Immobilize* shall mean the act of installing a mechanical device to the
18 wheel or tire of a parked vehicle so as to prevent its usual manner of movement.

19 (h) *Nonconsent tow* shall mean the towing of a vehicle without the consent of
20 the vehicle owner.

21 (i) *Person* shall mean any natural person, firm, partnership, association,
22 corporation, or other legal entity of any kind whatsoever, including government
23 agencies.

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1 (j) *Police directed tow* shall mean the towing of a vehicle at the direction of a
2 police officer or police agency.

3 (k) *Property owner* shall mean any person who exercises lawful dominion and
4 control over real property upon which a vehicle is parked, including, but not limited to,
5 the legal title holder or lessee, and any person designated by and acting on behalf of
6 such person pursuant to a contractual, employment, or fiduciary relationship to such
7 person relating to the towing or immobilization of vehicles (e.g., board member of a
8 homeowner's association or employee of a property management company).

9 (l) *Store* shall mean to place and leave a towed vehicle at a location where
10 the person providing towing service exercises control, supervision, and responsibility
11 over the vehicle.

12 (m) *Tow* shall mean to remove, haul, draw, or pull along a vehicle by means of
13 another vehicle equipped with booms, car carriers, winches, or similar equipment.

14 (n) *Towing class* shall mean the type of towing vehicle, equipment, or
15 apparatus used to tow vehicles. The towing classes shall be distinguished as follows:

16 (1) *Class A* tow truck, including flatbed slideback carrier: minimum ratings (as
17 applicable):

18	a.	Gross vehicle weight ratings	10,000 lbs.
19	b.	Boom capacity	8,000 lbs.
20	c.	Winching capacity	8,000 lbs.
21	d.	Cable size and length	3/8" × 100'
22	e.	Wheel lift retracted rating	6,000 lbs.
23	f.	Wheel lift extended ratings	4,000 lbs.
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g.	Tow sling safe lift rating	3,500 lbs.
h.	Safety chains (2 each)	5/16" high test
i.	Cab to axle dimension	58"

(2) *Class B* tow truck, including flatbed slideback carrier: minimum ratings (as applicable):

a.	Gross vehicle weight ratings	19,000 lbs.
b.	Boom capacity	24,000 lbs.
c.	Winching capacity	24,000 lbs.
d.	Cable size and length	1/2" × 200'
e.	Under-reach retracted rating	9,000 lbs.
f.	Under-reach extended ratings	7,000 lbs.
g.	Tow sling safe lift rating	8,500 lbs.
h.	Safety chains (2 each)	3/8" alloy
i.	Cab to axle dimension	84"

(3) *Class C* tow truck, including flatbed slideback carrier: minimum ratings (as applicable):

a.	Gross vehicle weight ratings	30,000 lbs.
b.	Boom capacity	50,000 lbs.
c.	Winching capacity	50,000 lbs.
d.	Cable size and length	5/8" × 200'
e.	Under-reach retracted rating	25,000 lbs.
f.	Under-reach extended ratings	12,000 lbs.

g.	Tow sling safe lift rating	12,000 lbs.
h.	Safety chains (2 each)	½" alloy
i.	Cab to axle dimension	144"

(4) *Class D* tow truck, including flatbed sidecar carrier: minimum ratings (as applicable):

a.	Gross vehicle weight ratings	58,000 lbs.
b.	Boom capacity	70,000 lbs.
c.	Winching capacity	70,000 lbs.
d.	Cable size and length.....	¾" × 200'
e.	Wheel lift retracted rating	45,000 lbs.
f.	Wheel lift extended rating	15,000 lbs.
g.	Tow sling safe lift rating	12,000 lbs.
h.	Safety chains (2 each)	½" alloy
i.	Cab to axle dimension	180"

(o) *Tow truck* shall mean any vehicle used to tow, haul, or carry a vehicle.

(p) *Vehicle* shall mean any automobile, truck, bus, trailer, semitrailer, or any other mobile item using wheels and being operated on the roads of Broward County, which is used to transport persons or property and which is propelled by power other than muscular power, provided, however, that the term does not include bicycles, mopeds, traction engines, road rollers, or vehicles that run only upon a track.

1 (q) *Vehicle owner* shall mean any owner of a vehicle and any person who is
2 empowered to act on behalf of a vehicle owner or lien holder.

3 Section 3. Section 20-176.13 of the Code is hereby created to read as
4 follows:

5 **Sec. 20-176.13. Operating license required to tow or immobilize a vehicle in**
6 **Broward County; exemptions.**

7 (a) Except as provided in (b) below, no person shall immobilize or tow a
8 vehicle in Broward County, store a towed vehicle in Broward County, or advertise such
9 services, regardless of whether that person's primary place of business is inside or
10 outside Broward County, without first obtaining and maintaining a current and valid
11 operating license for the applicable service. All advertisement of such services shall
12 include the operating license number.

13 (b) The regulations provided herein do not apply to trucks capable of
14 transporting five (5) or more vehicles at one (1) time; persons transporting vehicles
15 solely for personal, family, household, or recreational uses; or persons transporting their
16 own vehicles. The regulations provided herein shall also not apply to any person
17 providing consent tows in Broward County if that person's principal place of business is
18 located outside Broward County, unless such person picks up and drops off vehicles
19 solely within Broward County as one (1) complete service. Government agencies
20 directly performing their own towing or immobilization services, as opposed to
21 contracting with private companies to perform the services for them, are exempt from
22 the licensure requirements of this Section, the insurance requirements of Section 20-
23 176.16, the tow truck registration requirements of Section 20-176.18, and the
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1 immobilization requirements of Section 20-176.21(a), but must otherwise comply with
2 the regulations provided herein.

3 (c) Nothing in the regulations provided herein shall be construed to require
4 licensing of a natural person who works as an employee for another person holding a
5 valid operating license, provided, however, that any natural person who is an
6 independent contractor and not an employee of a licensed person is required to be
7 licensed. An operating license may be used only by the licensee and its employees.

8 Section 4. Section 20-176.14 of the Code is hereby created to read as
9 follows:

10 **Sec. 20-176.14. Application for and issuance of operating license.**

11 (a) Every application for an operating license shall be in writing on a form
12 prescribed by the Division, signed and verified by the applicant, and filed with the
13 Division together with the applicant's payment of a nonrefundable operating license
14 application fee established by resolution of the Board.

15 (b) On the application, in addition to any other requirements established by
16 the Division, the applicant must indicate whether it seeks licensing to immobilize or tow
17 vehicles, or both, and if it seeks licensing to tow vehicles, the applicant must indicate
18 whether it seeks to conduct consent tows or nonconsent tows, or both.

19 (1) If the applicant seeks a license to perform immobilization services, the
20 applicant must demonstrate verifiable, real life experience in immobilizing
21 vehicles, and must demonstrate financial trustworthiness in accordance
22 with the standards established by the Division.

23 (2) If the applicant seeks a license to perform nonconsent tows of vehicles,
24 the Division shall inspect the applicant's storage facilities and public office

1 areas prior to issuance of the license to determine whether the applicant is
2 in compliance with all applicable law and the regulations provided herein.
3 If a storage facility or public office fails inspection and a reinspection is
4 required, a reinspection fee must be paid to the Division. Such fee shall
5 be established by resolution of the Board.

6 (c) To obtain a license, in addition to any other requirements established by
7 the Division and the requirements of paragraph (b), above, the applicant, or, in the case
8 of a corporate or partnership applicant, all officers, directors, partners, and stockholders
9 owning, holding, or controlling twenty-five percent (25%) or more of the ownership
10 interest, such as the issued and outstanding stock in a corporation:

11 (1) Must undergo a criminal background check, which shall reveal that none
12 of the above mentioned persons have been found guilty of, or pled guilty
13 or nolo contendere to (regardless of adjudication of guilt, including
14 adjudication withheld) criminal charges involving repossession of a motor
15 vehicle under Chapter 493, Florida Statutes; repair of a motor vehicle
16 under Sections 559.901 through 559.9221, Florida Statutes; theft of a
17 motor vehicle under Section 812.014, Florida Statutes; carjacking under
18 Section 812.133, Florida Statutes; operation of a chop shop under
19 Section 812.16, Florida Statutes; failure to maintain records of motor
20 vehicle parts and accessories under Section 860.14, Florida Statutes;
21 airbag theft or use of fake airbags under Sections 860.145 or 860.146,
22 Florida Statutes; overcharging for repairs and parts under Section 860.15,
23 Florida Statutes; or violation of the towing or storage requirements for a
24 motor vehicle under Sections 321.051, 713.78, and 715.07, or

1 Chapter 323, Florida Statutes, or any felony in which use of a motor
2 vehicle was involved in theft of property. The applicant shall pay the
3 amounts required to secure the criminal history and records report(s);

4 (2) Must have no unsatisfied final civil fines or penalties arising out of an
5 administrative or enforcement action brought by the Division (including
6 any cease and desist orders or assurances of voluntary compliance
7 issued by the Division) or another governmental agency based upon
8 conduct involving a violation of the regulations provided herein or other
9 laws or regulations relating to towing or immobilization; and

10 (3) Must have not, within two (2) years prior to the date of application, had an
11 operating license revoked by action of the Division or any other jurisdiction
12 where the applicant towed or immobilized vehicles.

13 (d) Each operating license shall be printed on a certificate containing, at a
14 minimum, the name and address of the applicant, the name of the applicant's
15 principal(s), the effective dates of the operating license, and the identifying number
16 assigned by the Division. The operating license shall also indicate whether the licensee
17 may immobilize or tow vehicles, or both, and, if licensed to tow vehicles, whether the
18 licensee may perform consent tows or nonconsent tows, or both. The operating license
19 certificate issued by the Division shall remain the property of Broward County and shall
20 be used only as directed by the Division.

21 (e) An operating license shall be effective from its date of issuance through
22 the end of the calendar year in which it is issued, provided, however, that if the
23 operating license is obtained within sixty (60) days before the end of a calendar year,
24 then the operating license shall be effective until the end of the calendar year following

1 the year of issuance if the applicant pays a nonrefundable extended application fee
2 established by resolution of the Board.

3 (f) An operating license issued pursuant to the regulations provided herein is
4 not transferable, nor shall the ownership structure of the licensee be so modified as to
5 constitute a change in the control or ownership of the operating license. The ownership
6 structure of the licensee is considered to be so modified as to constitute a change in the
7 control or ownership of the operating license when as a result of a change, there is a
8 new officer, director, partner, or stockholder who owns, holds, or controls twenty-five
9 percent (25%) or more of the ownership interest, such as the issued and outstanding
10 stock in a corporation. If the licensee changes its ownership structure, all services
11 permitted by the operating license shall thereupon cease immediately and a new
12 application for an operating license must be submitted, together with the appropriate
13 fee.

14 Section 5. Section 20-176.15 of the Code is hereby created to read as
15 follows:

16 **Sec. 20-176.15. Renewal of operating license.**

17 (a) An applicant may apply for a renewal of its operating license prior to the
18 expiration of its then current operating license. If the operating license is not renewed,
19 all services permitted by the operating license shall thereupon cease immediately upon
20 expiration of the license.

21 (b) During the renewal process, the original application shall be updated and
22 verified by the applicant on forms prescribed by the Division. Each renewal application
23 shall be submitted sixty (60) days prior to expiration of the then current license and shall
24 be accompanied by a nonrefundable renewal application fee established by resolution

1 of the Board. If the licensee fails to submit its renewal application sixty (60) days prior
2 to expiration of the then current license, such renewal application may be submitted
3 within the sixty (60) day period upon payment of an expedited renewal application fee
4 established by resolution of the Board, provided, however, that all services after the end
5 of a calendar year must cease until a pending renewal application is granted.

6 (c) No renewal application that is untimely or fails to meet the requirements of
7 the regulations provided herein shall be granted.

8 (d) An applicant for renewal shall submit to a criminal background check
9 every three (3) years after the date of issuance of the original operating license, and
10 shall pay the amounts required to secure the criminal history and records report(s).

11 (e) An applicant that seeks to perform nonconsent tows shall, upon
12 application for a renewed operating license, allow the Division to (re)inspect the
13 applicant's storage facilities and public office areas, for a fee established by resolution
14 of the Board, to determine whether the applicant is in compliance with all applicable law
15 and the regulations provided herein.

16 Section 6. Section 20-176.16 of the Code is hereby created to read as
17 follows:

18 **Sec. 20-176.16. Operating license insurance requirements.**

19 (a) No person shall immobilize, tow, or store a towed vehicle in Broward
20 County without first filing with the Division proof of, and maintaining in effect, workers'
21 compensation insurance as required by state law, and the following types of commercial
22 liability insurance coverage:

23 (1) If conducting immobilization services: property damage liability coverage
24 with minimum limits of fifty thousand dollars (\$50,000) per occurrence.

1 (2) If towing vehicles or storing towed vehicles: automobile liability for each
2 towing vehicle, plus general liability, on-hook cargo liability, garage liability
3 or garagekeeper's legal liability ensuring coverage for the towing
4 vehicle(s), the vehicle(s) being towed, and vehicle(s) held in care, custody,
5 and control. The minimum insurance limits are as follows:

6 a. Classes A & B: Automobile liability insurance covering each
7 vehicle in an amount not less than one hundred thousand dollars
8 (\$100,000) per person, three hundred thousand dollars (\$300,000)
9 per occurrence for bodily injury, and fifty thousand dollars (\$50,000)
10 per occurrence for property damage, or a three hundred thousand
11 dollars (\$300,000) combined single limit.

12 b. Class C: Automobile liability insurance covering each vehicle in an
13 amount not less than one hundred thousand dollars (\$100,000) per
14 person, three hundred thousand dollars (\$300,000) per occurrence
15 for bodily injury, and one hundred thousand dollars (\$100,000) per
16 occurrence for property damage, or a three hundred thousand
17 dollars (\$300,000) combined single limit.

18 c. Class D: Automobile liability insurance coverage covering each
19 vehicle in an amount not less three hundred thousand dollars
20 (\$300,000) per person, five hundred thousand (\$500,000) per
21 occurrence for bodily injury, and one hundred thousand (\$100,000)
22 for property damage, or a five hundred thousand dollars (\$500,000)
23 combined single limit.
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1 (b) All required insurance policies shall be issued by insurance companies
2 licensed and admitted to write commercial liability insurance in the State of Florida. No
3 policy shall be accepted that is less than a six-month duration. Notice, by registered or
4 certified mail, shall be provided to the Division of any material change, cancellation, or
5 expiration of policy within thirty (30) days after such change. In the event of policy
6 cancellation, evidence of a replacement policy shall be filed with the Division prior to
7 resuming operations. Evidence of the renewal of a policy shall be filed with the Division
8 prior to the previous policy's expiration as evidence of continuous coverage in effect.

9 (c) A properly completed Certificate of Insurance evidencing all insurance
10 coverage shall be made available to the Division upon application for an operating
11 license or any renewal thereof, and upon request by the Division. Each tow vehicle in
12 operation must be listed on the certificate(s) by its year, make, and vehicle identification
13 number. Certificates of Insurance must contain the following name and address as
14 Certificate Holder:

15 Broward County
16 c/o Environmental Licensing and Building Permitting Division
17 1 North University Drive
18 Plantation, FL 33324

19 Section 7. Section 20-176.17 of the Code is hereby created to read as
20 follows:

21 **Sec. 20-176.17. Revocation and suspension of license; enforcement.**

22 (a) An operating license may be suspended or revoked by the Division, after
23 following the rules and procedures set forth in Chapter 20, Article VII, Division 1, of the
24 Broward County Code of Ordinances, when it is determined that the licensee, or, in the

1 case of a corporate or partnership applicant, any officer, director, partner, or stockholder
2 owning, holding, or controlling twenty-five percent (25%) or more of the ownership
3 interest, such as the issued and outstanding stock in the corporation:

4 (1) Violated any requirement of Section 20-176.14(c) while holding an
5 operating license;

6 (2) Violated the terms of a cease and desist order, notice to correct a
7 violation, written assurance of voluntary compliance, or any other lawful
8 order of the Director, the Division, or the Consumer Protection Board;

9 (3) Engaged in any conduct as a part of the performance of any contract for
10 service that constitutes a deceptive and unfair trade practice or fraud;

11 (4) Aided or abetted a person who has not obtained a license to evade or
12 avoid the regulations provided herein; or

13 (5) Violated any regulations provided herein.

14 (b) In addition to suspension and revocation, violations of the regulations
15 provided herein shall be subject to civil penalties as provided by Chapter 8½, Article II,
16 of the Broward County Code of Ordinances, and penalties shall be imposed as set forth
17 in the schedule of penalties therein. Each day of continuing violation shall be
18 considered a separate offense.

19 (c) In addition to the sanctions contained herein, Broward County may take
20 any other appropriate legal action, including, but not limited to, seeking cease and
21 desist orders, other administrative actions, and requests for temporary and permanent
22 injunctions to enforce the provisions of the regulations provided herein.

23 (d) The regulations provided herein shall be enforced by personnel authorized
24 by the Division, Broward County, municipal code enforcement officials, the police

1 agencies of the various municipalities in Broward County, and by the Broward County
2 Sheriff's Office.

3 Section 8. Section 20-176.18 of the Code is hereby created to read as
4 follows:

5 **Sec. 20-176.18. Tow truck registration; tow truck standards; decals.**

6 (a) Each tow truck used to provide towing services in Broward County shall
7 display a current, valid Division tow truck decal in the lower left corner of the driver's
8 side window. The tow truck decal remains the property of the Division and shall only be
9 used under the authority of the Division.

10 (b) The Division is authorized to issue a tow truck decal for each separate tow
11 truck upon application and completion or satisfaction of all of the following:

12 (1) Inspection by personnel authorized by the Division to ensure that the tow
13 truck clearly displays the company name on the exterior of both sides of
14 the tow truck in permanently affixed letters in contrasting colors at least
15 three (3) inches in size. The inspector must also ensure that the tow truck
16 clearly displays the physical address, telephone number, and operating
17 license number of the business on the exterior of both sides of the tow
18 truck in permanently affixed letters in contrasting colors at least one (1)
19 inch in size. Magnetic signage of any type may not be used to meet the
20 above requirements.

21 (2) Inspection by personnel authorized by the Division to ensure that the tow
22 truck meets the safety and equipment standards established by the
23 Division, including the towing class specifications in Section 20-176.12(n).
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1 (3) Submission of a notarized affidavit to the Division assuring that each tow
2 truck is commercially manufactured and is in safe operating condition.

3 (4) An application form prepared by the Division and completed by the
4 applicant correctly indicating the year, make, model, vehicle identification
5 number, State of Florida motor vehicle license plate number, and the
6 expiration date of the license plate of the tow truck. A copy of the State of
7 Florida Vehicle Registration shall be provided for each vehicle to be
8 registered or licensed with the Division.

9 (5) Payment of a nonrefundable tow truck decal fee established by resolution
10 of the Board.

11 (c) A tow truck decal shall be effective from its date of issuance through the
12 end of the calendar year in which it is issued, provided, however, that if the tow truck
13 decal is obtained within sixty (60) days before the end of a calendar year, then the tow
14 truck decal shall be effective until the end of the calendar year following the year of
15 issuance if the applicant pays a nonrefundable extended decal fee established by
16 resolution of the Board. The tow truck decal holder may apply for a renewal of its tow
17 truck decal as long as such renewal application is submitted at least sixty (60) days
18 prior to the expiration of the then current tow truck decal. If the tow truck decal holder
19 fails to submit its renewal application sixty (60) days prior to expiration of the then
20 current tow truck decal, such renewal application may be submitted within the sixty (60)
21 day period upon payment of an expedited renewal application fee established by
22 resolution of the Board, provided, however, that all services provided by the tow truck
23 after the end of a calendar year must cease until a pending renewal application is
24 granted. The Division is authorized to issue a renewed tow truck decal for each

1 separate tow truck upon application and further completion or satisfaction of the
2 requirements set forth in Section 20-176.18(b), including a nonrefundable renewal tow
3 truck decal fee established by resolution of the Board. If a tow truck decal is not
4 renewed, all towing services by the tow truck shall thereupon cease immediately upon
5 expiration of the tow truck decal. Expired tow truck decals shall be surrendered to the
6 Division.

7 (d) No person shall alter or transfer ownership of any tow truck decal. If a tow
8 truck is destroyed or sold, the tow truck decal holder must remove the tow truck decal
9 and surrender the removed tow truck decal to the Division unless the tow truck decal
10 holder signs a notarized affidavit stating that the tow truck decal was destroyed.

11 (e) Each tow truck decal shall be affixed to the tow truck by personnel
12 authorized by the Division and shall at all times be displayed and available for
13 inspection by law enforcement or by personnel authorized by the Division to perform
14 enforcement duties.

15 (f) Replacement or duplicate tow truck decals may be authorized by the
16 Division upon the completion of an application and notarized affidavit of the tow truck
17 decal holder stating that such replacement or duplicate tow truck decal is necessary,
18 identifying the reasons for such request, and upon submission of a fee established by
19 resolution of the Board.

20 (g) A towing company that provides documentation to the Division that its tow
21 trucks have been inspected by a municipal or other law enforcement agency whose
22 inspection requirements satisfy those of the regulations provided herein shall be exempt
23 from the inspection requirements of Section 20-176.18(b)(1-2), provided that the
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1 inspection occurred no more than ninety (90) days prior to the required Division
2 inspection.

3 (h) Tow truck decals may be suspended or revoked by the Division, after
4 following the rules and procedures set forth in Chapter 20, Article VII, Division 1, of the
5 Broward County Code of Ordinances, when it appears that the tow truck no longer
6 complies with the requirements of the regulations provided herein. If a tow truck decal
7 is suspended or revoked, the tow truck decal holder must remove the tow truck decal
8 and surrender the removed tow truck decal to the Division.

9 Section 9. Section 20-176.19 of the Code is hereby created to read as
10 follows:

11 **Sec. 20-176.19. Towing and immobilization requirements.**

12 (a) No person shall tow or immobilize a vehicle without the prior written
13 consent of the vehicle owner, except in accordance with Chapter 715, Florida Statutes,
14 and the following:

15 (1) Persons may tow or immobilize a vehicle without the prior written consent
16 of the vehicle owner upon the written instruction of a police officer.

17 (2) Persons may tow or immobilize a vehicle without the prior written consent
18 of the vehicle owner upon the written instruction of the property owner on
19 whose property the unauthorized vehicle is parked, but only when the
20 following have been met:

21 a. Notice shall be prominently posted on the property from which the
22 vehicle is proposed to be towed or immobilized, and shall be
23 continuously maintained on the property for not less than twenty-
24 four (24) hours prior to the towing or immobilization of the vehicle.

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1. Such notice, in the form of a sign structure, shall be prominently placed at each driveway access or curb cut allowing vehicle access to the property, within five (5) feet from the public right-of-way line. If there are no curbs or access barriers, not fewer than one (1) sign shall be posted for each twenty-five (25) feet of lot frontage. The sign structure shall be permanently installed with the bottom of the sign not less than three (3) feet above ground level and the top of the sign not more than six (6) feet above ground level.

2. The notice shall clearly display:
 - a) In light-reflective letters not less than two (2) inches high, on a contrasting background, a warning that unauthorized vehicles will be towed or immobilized, as applicable, at the vehicle owner's expense;
 - b) In light-reflective letters not less than four (4) inches high, on a contrasting background, the words "tow-away zone" or "subject to immobilization," as applicable;
 - c) In light-reflective letters not less than two (2) inches high, on a contrasting background, the days of the week and the hours of the day during which vehicles will be towed or immobilized at the vehicle owner's expense; and

1 d) In light-reflective letters not less than two (2) inches
2 high, on a contrasting background, the name and
3 telephone number of the person performing the
4 towing or immobilization if there exists a written
5 contract between the property owner and that person
6 for the towing or immobilization of vehicles.

7 3. A business with twenty (20) or fewer parking spaces satisfies
8 the notice requirements of this subparagraph by prominently
9 displaying a sign stating "Reserved Parking for Customers
10 Only - Unauthorized Vehicles Will be Towed Away At the
11 Owner's Expense" in light-reflective letters not less than four
12 (4) inches high, on a contrasting background, on the parking
13 spot from which the vehicle is proposed to be towed or
14 immobilized, for not less than twenty-four (24) hours prior to
15 the towing or immobilization of the vehicle.

16 4. The posting of notice shall not be required where:

17 a) The property on which the vehicle is parked is
18 appurtenant to and obviously a part of a single-family
19 residence; or

20 b) Oral or written notice is personally given to the vehicle
21 owner that the property on which the vehicle is to be
22 parked is reserved or unavailable for unauthorized
23 vehicles and is subject to being removed at the
24 vehicle owner's expense.

1 b. A business owner or lessee may authorize the removal of a vehicle
2 by a towing company, without the prior written consent of the
3 vehicle owner, when the vehicle is parked in such a manner that
4 restricts the normal operation of business; and if a vehicle parked
5 on a public right-of-way obstructs access to a private driveway, the
6 owner, lessee, or agent may have the vehicle removed by a towing
7 company without a posted tow-away zone sign upon signing an
8 order that the vehicle be removed.

9 c. When ordering the towing or immobilization of a vehicle without the
10 prior written consent of the vehicle owner, the property owner shall
11 provide written instruction specific to each individual vehicle to be
12 towed or immobilized, and shall date and sign such instruction.
13 Such instruction may be sent by electronic facsimile only if the date
14 and time of instruction can be verified on the facsimile. No such
15 instruction shall be considered to have been given:

- 16 1. By the posting of notice required by the regulations provided
17 herein;
- 18 2. By the existence of a contract or agreement between the
19 person providing the service and the property owner;
- 20 3. Where the instruction occurs in advance of the actual
21 unauthorized parking of the vehicle; or
- 22 4. Where the instruction is general in nature and unrelated to
23 specific, individual, and identifiable vehicles.

1 d. The property owner may not be an owner, officer, employee, or
2 agent of the person requested to tow or immobilize the vehicle.

3 (b) Persons who immobilize or tow vehicles in Broward County without the
4 consent of the vehicle owner, or store towed vehicles in Broward County without the
5 consent of the vehicle owner, shall comply with the provisions of Chapter 715, Florida
6 Statutes, and shall:

7 (1) Not pay or rebate money, or solicit or offer the rebate of money or other
8 valuable consideration, to obtain the privilege of rendering such services.

9 (2) Accept, at a minimum, cash, credit card, and debit card payments from the
10 vehicle owner. If payment is made in cash, change shall be provided to
11 the closest whole dollar. Additional charges or fees shall not be assessed
12 when payments are made by credit card or debit card. A vehicle owner
13 shall not be required to furnish more than one (1) form of government-
14 issued picture identification when payment is made by credit card or
15 personal check, and the government-issued identification shall constitute
16 sufficient identity verification.

17 (3) Not charge for the service if the vehicle owner arrives at the scene prior to
18 the service being completed, except when:

19 a. The vehicle owner refuses or is unable to remove the vehicle;

20 b. A complete mechanical connection exists between the vehicle and
21 the towing or immobilization apparatus, and the vehicle owner
22 refuses to pay a reasonable service fee of not more than one-half
23 ($\frac{1}{2}$) of the posted rate for such service; or

24 c. Directed by a police officer to complete the service.

1 (4) File and keep on record with local law enforcement a complete copy of all
2 current rates charged for the towing or immobilization of vehicles.

3 (5) Maintain a towing or immobilization invoice or manifest approved by the
4 Division, or tow sheet issued by a police agency, for each tow and
5 immobilization undertaken. A copy of the applicable invoice, manifest, or
6 tow sheet shall be given to the vehicle owner at the time of payment.

7 (6) Charge the vehicle owner for just one (1) of the services when a vehicle is
8 immobilized and then towed from the same location where originally
9 immobilized.

10 (7) Act in a professional manner when performing licensed services, be
11 knowledgeable of the rights of the individual who has had or is about to
12 have a vehicle towed or immobilized, and answer any and all questions to
13 the best of their ability.

14 (c) Each natural person acting on behalf of persons who provide towing or
15 immobilization services shall wear an identification tag stating the full name of the
16 company and the natural person performing the service. Such identification shall be
17 displayed on the natural person's shirt.

18 (d) No licensee shall refuse or neglect to provide vehicle immobilization or
19 towing services to any orderly person requesting such services and able and willing to
20 pay for such services, on account of that person's race, sex, religion, national origin,
21 age, marital status, sexual orientation, or disability.

22 (e) Any bid for the award of any contract or agreement with Broward County
23 for services to immobilize or tow vehicles shall be subject to the requirement that the
24 person seeking to obtain such contract or agreement hold or obtain a valid and current

1 operating license. Any bids not in compliance with this subparagraph shall be null and
2 void.

3 Section 10. Section 20-176.20 of the Code is hereby created to read as
4 follows:

5 **Sec. 20-176.20. Additional nonconsent towing requirements.**

6 (a) Persons who provide nonconsent towing services shall inform any person
7 inhabiting the vehicle that the vehicle must be moved. If such person fails to move the
8 vehicle, then the person instructed to tow the vehicle shall offer and provide said
9 inhabitant transportation to the nearest homeless assistance center. The vehicle may
10 be towed only when the inhabitant of the vehicle, if homeless, has been transported to
11 the nearest homeless assistance center. No vehicle shall be towed when there is a
12 living natural person occupying the vehicle.

13 (b) Persons who provide nonconsent towing services shall transport the
14 towed vehicle directly to the storage site of the person providing the service, or, if
15 conducting a police directed tow, to such other location as the police officer may direct,
16 and shall not keep the vehicle in any temporary holding area.

17 (c) Persons who provide nonconsent towing services at the request of a
18 property owner shall, within thirty (30) minutes after the completion of the service, notify
19 the Broward County Sheriff's Office or the police department with jurisdiction over the
20 property from which the vehicle was towed, of the following: (i) the storage site to which
21 the vehicle was transported, (ii) the time the service was rendered, and (iii) the make,
22 model, color, vehicle identification number, and license plate number of the vehicle.
23 The reporting individual shall obtain the name of the person to whom such information
24 was reported and note that name on the trip record.

1 (d) Persons who provide nonconsent towing services shall maintain a place of
2 business with a sign that clearly and conspicuously identifies the business to the public.
3 The place of business shall be open to the public, shall maintain a telephone
4 communication system to answer telephone calls twenty-four (24) hours per day, and
5 shall have office space with at least one (1) natural person on duty from 8:00 a.m.
6 through 6:00 p.m., Monday through Friday. The office may be closed only to observe
7 holidays observed by Broward County government. When closed, the office shall
8 prominently post a sign indicating a telephone number where the operator of the site
9 may be reached at all times. Upon receipt of a telephoned request to open the site to
10 redeem a vehicle, the operator shall return to the site within one (1) hour to release the
11 vehicle to the vehicle owner upon payment of the appropriate fee(s), unless the tow was
12 performed by or at the direction of police officers for accident or criminal investigation
13 purposes or resulted from an arrest of the vehicle owner or driver.

14 (e) Persons who provide nonconsent towing services shall prominently
15 display at each vehicle storage site a schedule of all rates for the recovery of vehicles.
16 The rate schedule must also state the following:

17 "TO THE VEHICLE OWNER

18 If you believe that you have been overcharged for the services rendered,
19 you do not have to pay your bill to get your car. Instead, you have the
20 right to post a bond in the circuit court, payable to [name of person
21 providing service], in the amount of the final bill for services rendered, and
22 the court will decide later who is right. If you show us a valid clerk's
23 certificate showing that you have posted a bond, we must release your
24 vehicle to you immediately. This remedy is in addition to other legal

1 remedies you may have pursuant to Chapter 713, Florida Statutes. If you
2 have a complaint about the way services were provided, you may call the
3 Broward County Environmental Licensing and Building Permitting
4 Division."

5 The rate schedule shall be posted in the area designated for the vehicle owner to
6 transact business. Such area shall provide shelter, safety, and lighting adequate for the
7 vehicle owner to read the posted rate schedule. Notice shall be posted advising the
8 vehicle owner of the right to request and review a complete schedule of rates for
9 services provided.

10 (f) Persons who provide nonconsent towing services shall advise any vehicle
11 owner who calls by telephone prior to arriving at the storage site of all of the following:

12 (1) Each and every document or other item that must be produced to retrieve
13 the vehicle.

14 (2) The exact charges as of the time of the telephone call and the rate at
15 which charges accumulate after the call.

16 (3) The acceptable methods of payment.

17 (4) The hours and days the storage area is open for regular business.

18 (g) Unless otherwise directed by a police officer, persons who provide
19 nonconsent towing services shall permit every vehicle owner to inspect the towed
20 vehicle immediately upon such person's arrival at the storage site and before payment
21 of any charges. The vehicle owner shall be permitted to remove from the vehicle any
22 and all personal possessions inside, but not affixed to, the vehicle, including, but not
23 limited to, radios and telephones. The person working at the site shall assist any
24 vehicle owner in doing so.

1 (h) No release or waiver of any kind, which would release the person
2 providing the nonconsent towing services of liability of any kind, may be required as a
3 condition of the release of the vehicle.

4 (i) Persons who provide nonconsent towing services shall, upon payment for
5 recovery of a towed vehicle, provide the vehicle owner a consumer bill of rights,
6 approved by the Division, which delineates all of the vehicle owner's rights, including,
7 but not limited to, the rights to contest fees and retrieve items from his or her vehicle.
8 The vehicle owner shall be asked to sign proof of delivery of the consumer bill of rights
9 at the time of payment.

10 Section 11. Section 20-176.21 of the Code is hereby created to read as
11 follows:

12 **Sec. 20-176.21. Additional immobilization requirements.**

13 (a) All vehicles utilized to provide immobilization services shall display the
14 company's name on the exterior of both sides of the vehicle in permanently affixed
15 letters in contrasting colors at least three (3) inches in size. The company's address,
16 telephone number, and operating license number shall be displayed on the exterior of
17 both sides of the vehicle in permanently affixed letters in contrasting colors at least one
18 (1) inch in size.

19 (b) Persons who provide immobilization services shall immediately affix to the
20 immobilized vehicle (at the rearmost portion of the window adjacent to the driver's seat)
21 a sticker with a completely removable adhesive, measuring at least four (4) inches by
22 seven (7) inches, containing a warning that any attempt to move such vehicle may
23 result in damage to the vehicle, and stating the date and time such vehicle was
24 immobilized; the make, model, and color of such vehicle; the license plate number of

1 such vehicle; the reason such vehicle was immobilized; the cost to remove such
2 immobilization device; the name and business address of the person who immobilized
3 such vehicle; and a business telephone number that will facilitate the dispatch of
4 personnel to remove the immobilization device.

5 (c) Persons providing immobilization services at the request of a property
6 owner shall:

7 (1) Respond to the location of the immobilized vehicle within one (1) hour
8 after being contacted by the vehicle owner and remove the immobilization
9 device within thirty (30) minutes after the removal fee has been paid;

10 (2) Accept payment, including, but not limited to, cash, credit card, or debit
11 card, at the location of the immobilized vehicle; and

12 (3) Maintain a telephone communication system to answer telephone calls
13 from the public twenty-four (24) hours per day. The date and time of all
14 calls must be logged and documented and made available for inspection
15 upon request by the Division or law enforcement personnel.

16 Section 12. Section 20-176.22 of the Code is hereby created to read as
17 follows:

18 **Sec. 20-176.22. Maximum nonconsent rates.**

19 Maximum and allowable rates for nonconsent towing and immobilization shall be
20 established by resolution of the Board. Persons who provide services pursuant to the
21 regulations provided herein shall not charge in excess of the maximum allowable rates
22 established.

23 Section 13. Section 20-176.23 of the Code is hereby created to read as
24 follows:

1 **Sec. 20-176.23. Records retention; inspection.**

2 Each licensee shall maintain accurate and complete records of all operating
3 information as the Division may require, including, but not limited to, immobilization and
4 towing invoices, records of payment, and signed copies of the consumer bill of rights
5 required by the regulations provided herein, for at least three (3) years after creation.
6 The Division shall be granted access, during regular business hours and upon five (5)
7 calendar days' prior notice, to inspect or copy records maintained by a licensee.

8 Section 14. Section 20-176.24 of the Code is hereby created to read as
9 follows:

10 **Sec. 20-176.24. Deceptive and unfair trade practices.**

11 No person shall engage in any unfair method of competition, unconscionable
12 acts or practices, or unfair or deceptive acts or practices, in the conduct of services
13 licensed under regulations provided herein. A licensee engages in an unfair method of
14 competition or unfair or unconscionable acts or deceptive practices when in the course
15 of his or her business, vocation, or occupation, he or she knows, or in the exercise of
16 care, should know, that he or she in the past engaged in or is now engaging in any
17 unfair method of competition, unconscionable acts or practices, or unfair or deceptive
18 acts or practices in the conduct of any licensed services.

19 Section 15. SEVERABILITY.

20 If any portion of this Ordinance is determined by any Court to be invalid, the
21 invalid portion shall be stricken, and such striking shall not affect the validity of the
22 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
23 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
24

1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 16. INCLUSION IN CODE.

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

9 Section 17. EFFECTIVE DATE.

10 This Ordinance shall become effective on the 1st day of April, 2015.

11

12 ENACTED OCTOBER 14, 2014

13 FILED WITH THE DEPARTMENT OF STATE OCTOBER 15, 2014

14 EFFECTIVE APRIL 1, 2015

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

17 By: /s/ Carlos Rodriguez-Cabarrocas 10/15/14
18 Carlos Rodriguez-Cabarrocas (Date)
19 Assistant County Attorney

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