

RESOLUTION

NUMBER 2019- 109

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 2014-163; PROVIDING THE MAXIMUM RATES FOR TOW TRUCK OPERATORS FOR NONCONSENSUAL TOWING SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 4481 PAGE 477 PAGE 1 OF 9
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Rec Fee RECORDING \$78.00
Cashier By SHERLYL

RECITALS

WHEREAS, the Board of County Commissioners of Charlotte County finds that the regulating and setting of maximum towing service fees is necessary for the protection of the public and is in the best interest of Charlotte County, its citizens and visitors, and helps to ensure that the providers of towing services deliver such services for a reasonable fee; and

WHEREAS, Section 125.0103(1)(b), Florida Statutes, permits counties to establish maximum rates which may be charged for towing of vehicles from, or immobilization of vehicles on, private property; rates for removal and storage of wrecked or disabled vehicles from an accident scene; or the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle; and

WHEREAS, in accordance with Florida Statutes, Section 125.0103(1)(b), the Board of County Commissioners of Charlotte County enacted an ordinance, codified at Chapter 1-10-277(a), Article VIII, Code of Laws and Ordinances, Charlotte County, Florida, requiring a resolution to establish the maximum fees which may be charged on the towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle; and

WHEREAS, Chapter 1-10-277(a), Article VIII, Code of Laws and Ordinances, Charlotte County, Florida, further provides that such fees established by the board may be altered, revised, increased or decreased; and

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WHEREAS, the resolution establishing such fees that are currently in effect was passed on October 28, 2014 by Resolution No. 2014-163; and

WHEREAS, the Sheriff and Florida Highway Patrol have received consumer complaints regarding Charlotte County's rates for the removal of wrecked or disabled vehicles; and

WHEREAS, clarifying that charging either the Towing service base rate or the newly termed "Flatbed service base rate," but not both rates combined, should bring Charlotte County into line with neighboring jurisdictions, which is likely to result in fewer consumer complaints.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida that:

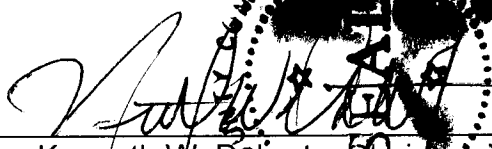
1. Resolution No. 2014-163 is hereby rescinded.
2. All towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner of operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle, shall be subject to the towing and storage maximum service fees established hereby.
3. For the purposes of this resolution, the maximum towing and storage service fees for nonconsensual towing services in unincorporated Charlotte County are listed in Exhibit A, as attached hereto.
4. In no event may any person providing services pursuant to this resolution, demand, request, or charge any rate, fee or compensation exceeding those towing and storage service fees in Exhibit A, nor establish any type of rate other than what has been established pursuant to this resolution.
5. The maximum fee schedule set forth in Exhibit A does not disallow a law enforcement agency or any party to contract with tow truck operators for nonconsensual towing services at a lower price.
6. The maximum fee schedule, Exhibit A, may be amended from time to time, upon subsequent consideration and resolution of the Board of County Commissioners of Charlotte County.

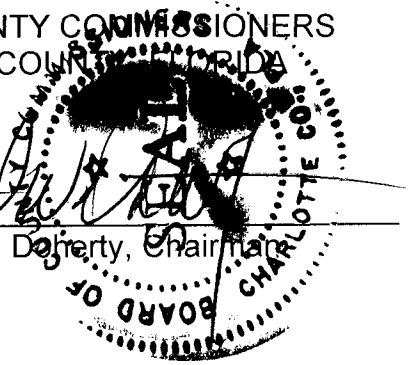
(SIGNATURE PAGE FOLLOWS)

PASSED AND DULY adopted this 10th day of September, 2019.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By:


Kenneth W. DeJurety, Chairman



ATTEST:

Roger D. Eaton, Clerk of the
Circuit Court and Ex-Officio Clerk
of the Board of County Commissioners

BY:



Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By:

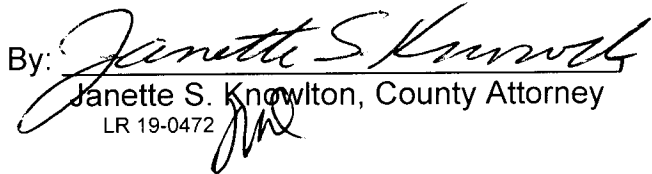

Janette S. Knowlton, County Attorney
LR 19-0472

Exhibit A – Fee Schedule

EXHIBIT A

MAXIMUM FEE SCHEDULE FOR NONCONSENSUAL TOWING SERVICES

The following schedule of charges for towing and storage services shall apply within the jurisdictional limits of Charlotte County when towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle. The term vehicle shall include any mobile item, whether motorized or not, which is mounted on wheels as defined in Section 713.78, Florida Statutes. Any vessel or other load which has become separated from a vehicle or trailer is also subject to the rates and fees stated herein.

TYPE A

VEHICLES (CARS, LIGHT DUTY TRUCKS, OTHER TYPES OF VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAIERED VESSELS UNDER 15 FEET IN LENGTH) WEIGHING 10,000 POUNDS OR LESS GROSS VEHICLE WEIGHT (HEREINAFTER "GVW"):

Towing Service Base Rate (per disabled vehicle)*	\$150.00
Flatbed Service Base Rate* (per disabled vehicle)*	\$150.00
Towing Mileage Rate (begins at site of tow)	\$4.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$100.00 per hour
Non-Towing Service Charge	Not to exceed \$45.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$4.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Operator or Owner
Private Property Towing Flat Rate	\$125.00

*Tow truck operators or owners may charge the Towing Service Base Rate or the Flatbed Service Base Rate but may not charge both fees for service to the same vehicle.

TYPE B

VEHICLES (MEDIUM DUTY TRUCKS, OTHER TYPES OF VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAIERED VESSELS GREATER THAN 15 FEET AND LESS THAN 22 FEET IN LENGTH) WEIGHING MORE THAN 10,001 POUNDS AND LESS THAN 20,000 POUNDS GVW:

Towing Service Base Rate (per disabled vehicle)*	\$175.00
Flatbed Service Base Rate* (per disabled vehicle)*	\$150.00
Towing Mileage Rate (begins at site of tow)	\$4.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$150.00 per hour
Non-Towing Service Charge	No to exceed \$55.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$4.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Operator or Owner
Private Property Towing Flat Rate	\$175.00

*Tow truck operators or owners may charge the Towing Service Base Rate or the Flatbed Service Base Rate but may not charge both fees for service to the same vehicle.

TYPE C

VEHICLES (HEAVY DUTY TRUCKS, BUSES, OTHER TYPES OF VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAIERED VESSELS GREATER THAN 22 FEET IN LENGTH) WEIGHING MORE THAN 20,001 POUNDS AND LESS THAN 25,000 POUNDS GVW:

Towing Service Base Rate (per disabled vehicle)*	\$300.00
Flatbed Service Base Rate* (per disabled vehicle)*	\$150.00
Towing Mileage Rate (begins at site of tow)	\$5.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$200.00 per hour
Non-Towing Service Charge	No to exceed \$65.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$5.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Operator or Owner
Private Property Towing Flat Rate	\$300.00

*Tow truck operators or owners may charge the Towing Service Base Rate or the Flatbed Service Base Rate but may not charge both fees for service to the same vehicle.

TYPE D

VEHICLES (HEAVY DUTY TRUCKS, MOBILE HOMES, BUSES, OTHER TYPES OF HEAVY VEHICLES INCLUDING BUT NOT LIMITED TO TRAILERS WITH OR WITHOUT LOAD OF ANY KIND, AND TRAIERED VESSELS GREATER THAN 22 FEET IN LENGTH) WEIGHING MORE THAN 25,001 POUNDS OR MORE GVW :

Towing Service Base Rate (per disabled vehicle)*	\$400.00
Flatbed Service Base Rate* (per disabled vehicle)*	\$150.00
Towing Mileage Rate (begins at site of tow)	\$5.00 per mile
Hourly Rate (on-scene waiting or working)	
First 30 minutes	No hourly charge
Over 30 minutes (prorated to nearest 15 minutes)	\$200.00 per hour
Non-Towing Service Charge	No to exceed \$75.00
Non-Towing Mileage Rate to Response Site (first 5 miles free)	\$5.00 per mile
Additional Fees (to cover cost of parts and labor required for repairs authorized by the vehicle owner)	Established by Tow Truck Operator or Owner
Private Property Towing Flat Rate	\$400.00

*Tow truck operators or owners may charge the Towing Service Base Rate or the Flatbed Service Base Rate but may not charge both fees for service to the same vehicle.

OTHER RATES, FEES AND CHARGES

Storage – Rates are applicable for all classes of service up to 14,500 pounds GVW for each 24-hour period, but no storage fee shall be charged if such vehicle is stored for less than six hours – pursuant to Section 713.78, Florida Statutes.

Inside Storage	\$35.00 per 24-hour period
Outside Storage	\$25.00 per 24-hour period
After Hour Gate	Not to exceed \$50.00

Additional Towing Charges

Air Bags (disablement)	\$2,000.00 flat rate
Extra Personnel for Class A Wrecker (prorated 15 minutes)	\$30.00 per person per hour
Extra Personnel for Class B, C and D Wrecker (prorated to nearest 15 minutes)	\$75.00 per person per hour
Dollie	\$25.00 flat rate
Recovery (vehicle not towed)	\$50.00 flat rate

Extraordinary Services

Additional Wrecker(s) (responding in a support role to the primary wrecker receiving a Service Base Rate for vehicle type at incidents involving significant debris or wreckage)	
Type A	\$100.00 per hour
Type B	\$150.00 per hour
Type C	\$200.00 per hour
Type D	\$200.00 per hour
Additional Machinery (when used to clear spilled cargo is more cost-effective than clearing by hand)	Prevailing Market hourly rental rate
Underwater Recovery (when performed by a certified/professional diver if supported by written documentation approved by the investigating law enforcement officer)	\$100.00, plus actual costs
Hazardous material clean-up and disposal (as mandated/required by state or local law when supported by written documentation approved by the investigating law enforcement officer)	Prevailing Market rate

Administrative Fees

Administrative Fee I (processing information from
vehicle driver / owner)

Initial 24 hours of storage

No Administrative Fee I

Over 24 hours of storage

\$40.00 flat fee

Administrative Fee II (lien information retrieval and
notification costs)

Initial 24 hours of storage

No Administrative Fee II

Over 24 hours of storage

\$40.00 flat fee