



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact**

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>Net Fiscal Impact</b>	*	_____	_____	_____	_____

**# ADDITIONAL FTE**

<b>POSITIONS (Cumulative)</b>	0	0	0	0	0
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Is Item Included In Current Budget? Yes X No \_\_\_\_\_

Budget Account Exp No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Rev No: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\*The fiscal impact is indeterminable at this time,

Departmental Fiscal Review: Stephanie Sepide

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

Susan Henry 10/6/14  
 OFMB AM 10/6/14

Joe J. Jacobson 10/10/14  
 Contract Administration  
 10-9-14 B. Becker

**B. Legal Sufficiency:**

Penelope G. Galloway 10/14/14  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**

**RESOLUTION NO. R-2014-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; ESTABLISHING A NEW SCHEDULE OF MAXIMUM RATES FOR NON-CONSENT TOWING SERVICES, FEES AND FINES; ESTABLISHING MINIMUM COMMERCIAL INSURANCE LIMITS FOR EACH INSURANCE TYPE; AND REPEALING AND REPLACING RESOLUTION NO. R-2010-0123, RELATING TO THE TOW TRUCK ORDINANCE OF PALM BEACH COUNTY, FLORIDA, AS CODIFIED IN THE PALM BEACH COUNTY CODE OF ORDINANCES.**

**WHEREAS**, numerous persons and firms in Palm Beach County engage in the business of performing towing and recovery of motorized vehicles; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII (the "Tow Truck Ordinance"), regulates the business of towing and storage services in Palm Beach County; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, regulates the maximum rates towing companies shall charge consumers for non-consent tows and provides that such rates shall be established by Resolution of the Board of County Commissioners; and

**WHEREAS**, it is in the best interest of the County, its citizens and its visitors to regulate the maximum rates charged for non-consent towing services; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, provides for the payment of operating permit application late fees, vehicle decal fees, and other fees; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, requires a schedule of fines for violations of the Tow Truck Ordinance; and

**WHEREAS**, the Board of County Commissioners desires to revise the current schedule of fees and fines relating to the Tow Truck Ordinance, including operating permit application late fees and criminal history backgrounds; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, provides that it shall be unlawful for any tow truck company to operate without maintaining specific types of commercial insurance and that the Board shall established the minimum insurance limits for each insurance type by Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

- A) The Palm Beach County Towing Ordinance schedule for fees, fines, and insurance applicable to the business of towing and storage is hereby adopted as referenced in the chart entitled "Exhibit "A" – Palm Beach County Towing Ordinance - Schedule of

Maximum Rates (Non-Consent Tows), Fees and Fines, and Minimum Commercial Insurance Limit Requirements” attached hereto and incorporated herein by reference.

B) Resolution No. R-2010-0123, previously adopted regarding the fees, fines, and maximum rates for services related to non-consent towing and recovery charged by towing and storage companies and establishing minimum insurance levels, is hereby repealed and replaced.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

PRISCILLA A. TAYLOR, MAYOR	_____
PAULETTE BURDICK, VICE MAYOR	_____
COMMISSIONER HAL R. VALECHE	_____
COMMISSIONER SHELLEY VANA	_____
COMMISSIONER STEVEN L. ABRAMS	_____
COMMISSIONER MARY LOU BERGER	_____
COMMISSIONER JESS R. SANTAMARIA	_____

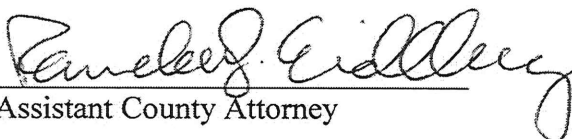
The Mayor thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of October, 2014.

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock  
Clerk & Comptroller

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
Assistant County Attorney

**Exhibit "A" – Palm Beach County Towing Ordinance - Schedule of Maximum Rates (Non-Consent Tows), Fees and Fines, and Minimum Commercial Insurance Limit Requirements**

**Section I. Schedule of Maximum Rates (Non-Consent Tows)**

Rate Type	Rate
<b>Private Property Impound Tow</b> Class A Class B Class C Class D No other fees may be imposed for the first 24 hours the vehicle is in the care, custody and control of the towing operator, <b>except:</b> a) applicable storage fees may be charged after the proper police authority has been notified and the vehicle has been in the possession of the towing operator for at least 6 hours and b) "extra time at scene" when a law enforcement agency is called/involved and when the officer's name and badge number and detailed explanation is provided.	Flat Rate \$123 Flat Rate \$217 Flat Rate \$308 Flat Rate \$308
<b>Police Directed Tow</b> Class A Class B Class C – applies to non-commercial vehicles only Class D – applies to non-commercial vehicles only	\$167 \$248 \$370 \$530
<b>Per mile fee for Police Directed Tow</b> Class A Class B Class C Class D	\$7.50 \$8.50 \$10.00 \$12.50
<b>Daily outdoor storage - vehicles 25' or less <u>after first 6 hours</u></b>	\$25
<b>Daily outdoor storage – vehicles longer than 25' <u>after first 6 hours</u></b>	\$35
<b>Daily outdoor storage - motorcycles, ATVs, scooters, other small personal vehicles <u>after first 6 hours.</u></b>	\$15
<b>*Daily indoor storage - vehicles 25' or less <u>after first 6 hours.</u></b>	\$35
<b>*Daily indoor storage - vehicles longer than 25' <u>after first 6 hours.</u></b> Applies to non-commercial vehicles only.	\$50
<b>*Daily indoor storage - motorcycles, ATVs, scooters, other small personal vehicles <u>after first 6 hours.</u></b>	\$20
<b>Drop Charge</b> – When the vehicle/vessel owner or authorized driver/agent arrives at the scene prior to the vehicle/vessel being removed or towed from the property, the vehicle/vessel shall be disconnected from the tow truck and the vehicle/vessel owner or authorized driver/agent shall be allowed to remove the vehicle/vessel without interference upon payment of a reasonable service fee of not more than one-half of the posted rate for such towing service.	One-half of the posted rate for such towing service
<b>Administrative/Lien Fee</b> - after 24-hours, from time of police report. Must show proof that lien letter(s) have been prepared with appropriate names/addresses included and that fees have been expended.	\$50 Maximum flat fee
<b>After Hour Gate Fee</b> – may not be applied between the hours of 8 a.m. and 6 p.m. Monday through Friday (excluding federal holidays) and not for 6 hours after a vehicle has been impounded all other times when: a. Impounded vehicles/vessel are recovered by the owner or	\$35

Rate Type	Rate
authorized driver/agent; or <b>b.</b> The owner or authorized driver/agent wishes to recover property from an impounded vehicle/vessel.	
<b>Extra Time at Scene</b> - First one-half hour to be included in the initial cost per call. Charges are in 15 minute intervals. All extra time/labor shall be documented by the tow truck operator and shall include the name of the law enforcement agency and the law enforcement agency case number or the officer's name and badge number. The documentation shall also include a detailed explanation of the services rendered which necessitated the charges and if possible photographs of the scene.	25% of applicable towing fee in 15 minute intervals.
<b>Underwater Recovery</b> - Performed by a certified/ professional diver with the written documentation and approval by the investigating law enforcement agency/ officer.	\$100 plus cost per hour (port-to-port)
<b>Hazardous material clean-up</b> and disposal as required, mandated and/or licensed through state or local laws and approved by the investigating law enforcement agency/officer.	Towing Company prevailing rates

**II. Operating Permit Fees, Vehicle Decal Fees, and Other Fees as follows:**

Type of Fee	Rate
Annual Application Fee for companies performing non-consent towing services	\$600
Annual Application Fee for companies performing consent-only towing services	\$300
Towing Vehicle Decal Fee	\$150
Storage Yard Inspection Fee (for each company with a storage yard)	\$100
Operating Permit Application Late Fee	
1. Late up to 30 days	<b>\$75</b>
2. Late up to 31 to 60 days	<b>\$100</b>
3. Late 61 days and up to 1 year from date of expiration	<b>\$150</b>
Operating Permit Application Re-filing Fee	\$200
Towing Vehicle Decal Replacement Fee	\$25
Inspection Late Fee	\$50
Inspection Cancellation Fee	\$75
Storage Facility Re-inspection Fee	\$75
Administrative Appeal Filing Fee	\$100

Administrative Reactivation Fee (including Administrative Insurance Reactivation Fee)	
1. First occurrence	\$250
2. Second and subsequent occurrences	\$500
Tow truck Driver I.D. Badge Fee	\$60
Tow truck Driver I.D. Badge Replacement Fee	\$30
Tow truck Driver I.D. Badge Rush Fee	\$30
Criminal Background Fee (Currently using Florida Department of Law Enforcement Criminal History Record) – Cost to County	<b>\$24</b>

**III. Fine Schedule as follows:**

- A. Civil fines for violation of the Tow Truck Ordinance shall be set at \$500 for the first and all subsequent offenses for the following sections (a possible mandatory court appearance may be required for the third offense):
  - 1. Section 19-184. Operating permit required.
  - 2. Section 19-187. Insurance requirements.
  - 3. Section 19-189 (f). Operating a Tow Truck that has failed to pass any critical item.
  - 4. Section 19-195 (c). Failure to disconnect vehicle from tow truck if the vehicle/vessel owner or authorized driver/agent arrives at the scene prior to the vehicle/vessel being removed or towed from the property and offers to pay a reasonable service fee of not more than ½ of the posted rate for such towing service (drop charge).
  - 5. Section 19-200. Fraudulent transfer of tow truck company.
  - 6. Section 19-204 (b). (Using physical force against ordinance enforcement officer)
- B. Civil fines for violation of the Tow Truck Ordinance shall be set at \$100 – first offense, \$250 – second offense and \$500 – third offense (with a possible mandatory court appearance) for the following sections:
  - 1. Section 19-188 (a) (Display vehicle decal)
  - 2. Section 19-188 (b)(1) (Vehicle signage)
  - 3. Section 19-199 (Driver requirements)
- C. Civil fines for violation of the Tow Truck Ordinance shall be set at \$250 – first offense, \$500 – second offense and \$500 – third offense (with a possible mandatory court appearance) for all other sections of the Ordinance not identified in A and B above.

**IV. Minimum Insurance Requirements as follows:**

Each tow truck company shall provide the following minimum insurance levels as required in Section 19-187 – Insurance Requirements:

- A. Auto liability for each tow truck used by a consent-only company:
  - 1. For each Class A or Light Duty Tow Truck used exclusively for consent-only towing:
    - Combined single limit..... \$100,000
    - or
    - Split limits..... \$100,000/\$300,000/\$50,000
  - 2. For all other consent-only tow trucks;
    - Combined single limit..... \$500,000

or

Split limits.....\$500,000/\$500,000/\$100,000

B. Auto liability for each tow truck used by a non-consent company:

1. For each Class A – Light Duty Non-Police tow truck

Combined single limit..... \$300,000

or

Split limits.....\$250,000/\$500,000/\$100,000

2. For all other non-consent tow trucks

Combined single limit..... \$500,000

or

Split limits.....\$500,000/\$500,000/\$100,000

C. General/Garage Liability:

1. For tow truck operators performing only consent tows:

Combined single limit..... \$100,000

or

Split limits.....\$100,000/\$300,000/\$50,000

2. For tow truck operators performing only private property impound tows:

Combined single limit..... \$300,000

or

Split limits.....\$250,000/\$500,000/\$100,000

3. For all other tow truck operators:

Combined single limit..... \$500,000

or

Split limits.....\$500,000/\$500,000/\$100,000

D. Garage Keeper’s Legal Liability:

1. For any one vehicle..... \$50,000

2. Per occurrence..... \$100,000

(Companies which do not have a storage facility or are not responsible for the care, custody and control of vehicles not on-hook are exempt from this requirement)

E. On-Hook Cargo Liability Coverage for Each Vehicle ..... \$50,000

F. Worker’s Compensation (according to state law)



**RESOLUTION NO. R-2010- 0123**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; ESTABLISHING MAXIMUM RATES FOR SERVICES RELATED TO NONCONSENT TOWING AND RECOVERY IN PALM BEACH COUNTY; ESTABLISHING FEES REQUIRED BY THE TOWING ORDINANCE; ESTABLISHING CIVIL FINES REQUIRED BY THE TOWING ORDINANCE; ESTABLISHING THE MINIMUM INSURANCE LEVELS REQUIRED BY THE TOWING ORDINANCE AND RESCINDING AND REPEALING RESOLUTION NO. R-2005-1023.**

**WHEREAS**, numerous persons and firms in Palm Beach County engage in the business of performing towing and recovery of motorized vehicles; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, regulates the maximum rates towing companies can charge consumers for nonconsent tows and that such rates shall be established by Resolution of the Board of County Commissioners; and

**WHEREAS**, it is in the best interest of the County, its citizens and its visitors to regulate the maximum rates charged for nonconsent towing services; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, provides for the payment of operating permit fees, vehicle decal fees and other fees; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, requires a schedule of fines for violations of the Ordinance; and

**WHEREAS**, Palm Beach County Code Chapter 19, Article VIII, requires establishing minimum insurance levels for the various types of insurance required.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,**  
**that:**

**Section 1. Schedule of Maximum Rates**

The following maximum rates for services related to nonconsent tows shall be established and shall become effective on February 1, 2010:

Rate Type	Rate
<b>Private Property Impound Tow</b> Class A Class B Class C Class D No other fees may be imposed for the first 24 hours the vehicle is in the care, custody and control of the towing operator, except: a) applicable storage fees may be charged after the proper police authority has been notified and the vehicle has been in the possession of the towing operator for at least 6 hours and b) "extra time at scene" when a law enforcement agency is called/involved and when the officer's name and badge number and detailed explanation is provided.	Flat Rate \$114 Flat Rate \$201 Flat Rate \$286 Flat Rate \$286
<b>Police Directed Tow</b> Class A Class B Class C – applies to non-commercial vehicles only Class D – applies to non-commercial vehicles only	\$155 \$229 \$343 \$492
<b>Per mile fee for Police Directed Tow</b> Class A Class B Class C Class D	\$7.00 \$8.00 \$9.50 \$11.50
<b>Daily outdoor storage - vehicles 25' or less after first 6 hours</b>	\$25
<b>Daily outdoor storage – vehicles longer than 25' after first 6 hours</b>	\$35
<b>Daily outdoor storage - motorcycles, ATV's, scooters, other small personal vehicles after first 6 hours.</b>	\$15
<b>*Daily indoor storage - vehicles 25' or less after first 6 hours.</b>	\$35
<b>*Daily indoor storage - vehicles longer than 25' after first 6 hours. Applies to non-commercial vehicles only.</b>	\$50
<b>*Daily indoor storage - motorcycles, ATV's, scooters, other small personal vehicles after first 6 hours.</b>	\$20
<b>Drop Charge –</b> When the vehicle/vessel owner or authorized driver/agent arrives at the scene prior to the vehicle/vessel being removed or towed from the property, the vehicle/vessel shall be disconnected from the towtruck and the vehicle/vessel owner or authorized driver/agent shall be allowed to remove the vehicle/vessel without interference upon payment of a reasonable service fee of not more than one-half of the posted rate for such towing service.	One-half of the posted rate for such towing service
<b>Administrative/Lien Fee -</b> after 24-hours, from time of police report. Must show proof that lien letter(s) have been prepared with appropriate names/addresses included and that fees have been expended.	\$50

Rate/Type	Rate
<b>After-Hour Gate Fee</b> – may not be applied between the hours of 8 a.m. and 6 p.m. Monday through Friday (excluding federal holidays) and not for 6 hours after a vehicle has been impounded all other times when: a. Impounded vehicles/vessels are claimed by the owner or authorized driver/agent; or b. The owner or authorized driver/agent wishes to recover/remove property from an impounded vehicle/vessel.	\$35
<b>Extra Time at Scene</b> - First one-half hour to be included in the initial cost per call. Charges are 15 minute intervals. All extra time/labor shall be documented by the towtruck driver and shall include the name of the law enforcement agency and the law enforcement agency case number or the officer's name and badge number. The documentation shall also include a detailed explanation of the services rendered which necessitated the charges and if possible, photographs of the scene.	25% of applicable towing fee in 15 minute intervals.
<b>Underwater Recovery</b> - Performed by a certified/ professional diver with the written documentation and approval by the investigating law enforcement agency/officer.	\$100 plus cost per hour (port-to-port)
<b>Hazardous material clean-up</b> and disposal as required, mandated and/or licensed through state or local laws and approved by the investigating law enforcement agency/officer.	Towing Company prevailing rates
<b>Consumer Price Index Automatic Increase in Fees:</b> The Maximum Private Property Impound Fees for Class A, B, C & D and Maximum Police Directed Fees for Class A, B, C and D shall be adjusted up or down to the nearest dollar each year beginning March 1, 2011 and each March 1 thereafter. The increases/decreases shall be based on the seasonally adjusted "Consumer Price Index – Urban" (South Region or Miami-Ft. Lauderdale Reports) released by the Federal Bureau of Labor Statistics for the previous calendar year ending December 31. Similarly, mileage fees shall be adjusted up/down to the nearest twenty-five cent level based on the announced Consumer Price Index. The Consumer Affairs Division shall be responsible for compiling and releasing the new maximum rates to all licensed non-consent towing companies in Palm Beach County by February 1, 2011 and each February 1 thereafter.	

\* Indoor storage rates may only be charged upon the direction and authorization of the owner, lien holder, insurance company representative or investigating law enforcement agency.

**Section 2. Operating Permit Fees, Vehicle Decal Fees And Other Fees**

- A. Annual Application Fee for companies performing non-consent towing services.....\$600
- B. Annual Application Fee for companies performing non-consent towing services for 2010 license year only.....\$550
- C. Annual Application Fee for companies performing consent-only towing services....\$300
- D. Annual Application Fee for companies performing consent-only towing services for 2010 license year only.....\$250
- E. Towing Vehicle Decal Fee.....\$150
- F. Storage Yard Inspection Fee (for each company with a storage yard).....\$100

G.	Operating Permit Application Late Fee	
1.	Late up to 30 days .....	\$200
2.	Late 31 – 60 days .....	\$300
3.	Late 61 days and up to 1 year from date of expiration .....	\$400
H.	Operating Permit Application Refiling Fee .....	\$200
I.	Towing Vehicle Decal Replacement Fee.....	\$25
J.	Inspection Late Fee.....	\$50
K.	Inspection Cancellation Fee.....	\$75
L.	Storage Facility Reinspection Fee .....	\$75
M.	Administrative Appeal Filing Fee .....	\$100
N.	Administrative Reactivation Fee (including Administrative Insurance Reactivation Fee)	
1.	First occurrence .....	\$250
2.	Second and subsequent occurrences .....	\$500
O.	Towtruck Driver I.D. Badge Fee .....	\$60
P.	Towtruck Driver I.D. Badge Late Fee .....	\$30
Q.	Towtruck Driver I.D. Badge Replacement Fee .....	\$30
R.	Towtruck Driver I.D. Badge Rush Fee .....	\$30
S.	Criminal Background Fee (Currently using Florida Department of Law Enforcement Criminal History Record) – Cost to County .....	Currently \$23

All fees are non-refundable.

Note: Any company initially paying for a "Consent-Only" towing application, but later (in the same year) desiring to perform "Non-Consent" towing services, must apply to the Consumer Affairs Division and pay the additional amount required for the "Non-Consent" application fee.

**Section 3, Fine Schedule**

- A. Civil fines for violation of the Towtruck Ordinance shall be set at \$500 for the first and all subsequent offenses for the following sections (a possible mandatory court appearance may be required for the third offense):
1. Section 4. (Operating without a permit)
  2. Section 7. (Insurance requirements)
  3. Section 9.F. (Operating a towtruck that has failed a critical inspection)
  4. Section 15.C. (Failure to disconnect vehicle from towtruck when owner arrives)

before towtruck departs scene and owner pays or offers to pay "drop fee")

- 5. Section 20 (Fraudulent transfer of a towtruck company)
- 6. Section 24.B. (Using physical force against ordinance enforcement officer)
- B. Civil fines for violation of the Towtruck Ordinance shall be set at \$100 – first offense, \$250 – second offense and \$500 – third offense (with a possible mandatory court appearance) for the following sections:
  - 1. Section 8.A. (Display vehicle decal)
  - 2. Section 8.B. (Vehicle signage)
  - 3. Section 19. (Driver requirements)
- C. Civil fines for violation of the Towtruck Ordinance shall be set at \$250 – first offense, \$500 – second offense and \$500 – third offense (with a possible mandatory court appearance) for all other sections of the Ordinance not identified in A and B above.

**Section 4, Minimum Insurance Requirements**

Each towtruck company shall provide the following minimum insurance levels as required in Section 7 – Insurance Requirements of the Towtruck Ordinance:

- A. Auto liability for each towtruck used by a consent-only company:
  - 1. For each Class A or Light Duty Towtruck used exclusively for consent-only towing:
    - Combined single limit.....\$100,000
    - or
    - Split limits.....\$100,000/\$300,000/\$50,000
  - 2. For all other consent-only towtrucks;
    - Combined single limit.....\$500,000
    - or
    - Split limits.....\$500,000/\$500,000/\$100,000
- B. Auto liability for each towtruck used by a non-consent company:
  - 1. For each Class A – Light Duty Non-Police towtruck
    - Combined single limit.....\$300,000
    - or

Split limits.....\$250,000/\$500,000/\$100,000

2. For all other non-consent towtrucks

Combined single limit.....\$500,000

or

Split limits.....\$500,000/\$500,000/\$100,000

C. General/Garage Liability:

1. For towtruck operators performing only consent tows:

Combined single limit.....\$100,000

or

Split limits.....\$100,000/\$300,000/\$50,000

2. For towtruck operators performing only private property impound tows:

Combined single limit.....\$300,000

or

Split limits.....\$250,000/\$500,000/\$100,000

3. For all other towtruck operators:

Combined single limit.....\$500,000

or

Split limits.....\$500,000/\$500,000/\$100,000

D. Garage Keeper's Legal Liability:

1. For any one vehicle .....\$50,000

2. Per occurrence.....\$100,000

(Companies which do not have a storage facility or are not responsible for the care, custody and control of vehicles not on-hook are exempt from this requirement)

E. On-Hook Cargo Liability Coverage for Each Vehicle .....\$50,000

F. Worker's Compensation (according to state law)

**Section 5. Repeal of Resolution**

Resolution No. R-2005-1023 previously adopted for the Towtruck Ordinance is hereby repealed.


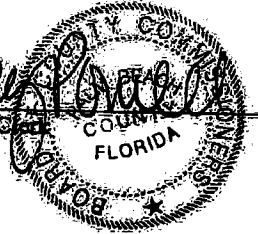
The foregoing resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner Vana, and upon being put to a vote, the vote was as follows:

COMMISSIONER BURT AARONSON, CHAIRMAN	<u>Aye</u>
COMMISSIONER KAREN T. MARCUS, VICE CHAIR	<u>Aye</u>
COMMISSIONER JOHN F. KOONS	<u>Aye</u>
COMMISSIONER SHELLEY VANA	<u>Aye</u>
COMMISSIONER STEVEN L. ABRAMS	<u>Aye</u>
COMMISSIONER JESS R. SANTAMARIA	<u>Aye</u>
COMMISSIONER PRISCILLA A. TAYLOR	<u>Aye</u>

The Chairman thereupon declared the resolution duly passed and adopted this 12th day of January, 2010.

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock  
Clerk & Comptroller

By:   
Deputy Clerk  


APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:   
Assistant County Attorney

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**COMPARISON CHART REFLECTING CHANGES  
IN FEES AND FINES**

**I. Section 19-198 - Schedule of Maximum Rates (Non-Consent Tows)**

<p><b>Private Property Impound Tow</b> Class A Class B Class C Class D</p> <p>No other fees may be imposed for the first 24 hours the vehicle is in the care, custody and control of the towing operator, <b>except:</b> a) applicable storage fees may be charged after the proper police authority has been notified and the vehicle has been in the possession of the towing operator for at least 6 hours and b) "extra time at scene" when a law enforcement agency is called/involved and when the officer's name and badge number and detailed explanation is provided.</p>	<p>Flat Rate \$123 Flat Rate \$217 Flat Rate \$308 Flat Rate \$308</p>	<p>No changes</p>
<p><b>Police Directed Tow</b> Class A Class B Class C – applies to non-commercial vehicles only Class D – applies to non-commercial vehicles only</p>	<p>\$167 \$248 \$370 \$530</p>	<p>No changes</p>
<p><b>Per mile fee for Police Directed Tow</b> Class A Class B Class C Class D</p>	<p>\$7.50 \$8.50 \$10.00 \$12.50</p>	<p>No changes</p>
<p><b>Daily outdoor storage - vehicles 25' or less <u>after first 6 hours</u></b></p>	<p>\$25</p>	<p>No change</p>
<p><b>Daily outdoor storage – vehicles longer than 25' <u>after first 6 hours</u></b></p>	<p>\$35</p>	<p>No change</p>
<p><b>Daily outdoor storage - motorcycles, ATVs, scooters, other small personal vehicles <u>after first 6 hours.</u></b></p>	<p>\$15</p>	<p>No change</p>
<p><b>*Daily indoor storage - vehicles 25' or less <u>after first 6 hours.</u></b></p>	<p>\$35</p>	<p>No change</p>
<p><b>*Daily indoor storage - vehicles longer than 25' <u>after first 6 hours.</u> Applies to non-commercial vehicles only.</b></p>	<p>\$50</p>	<p>No change</p>
<p><b>*Daily indoor storage - motorcycles, ATVs, scooters, other small personal vehicles <u>after first 6 hours.</u></b></p>	<p>\$20</p>	<p>No change</p>

Attachment # 3

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<b>Drop Charge</b> – When the vehicle/vessel owner or authorized driver/agent arrives at the scene prior to the vehicle/vessel being removed or towed from the property, the vehicle/vessel shall be disconnected from the towtruck and the vehicle/vessel owner or authorized driver/agent shall be allowed to remove the vehicle/vessel without interference upon payment of a reasonable service fee of not more than one-half of the posted rate for such towing service.	One-half of the posted rate for such towing service	No change
<b>Administrative/Lien Fee</b> - after 24-hours, from time of police report. Must show proof that lien letter(s) have been prepared with appropriate names/addresses included and that fees have been expended.	\$50 Maximum flat fee	No change
<b>After Hour Gate Fee</b> – may not be applied between the hours of 8 a.m. and 6 p.m. Monday through Friday (excluding federal holidays) and not for 6 hours after a vehicle has been impounded all other times when: <ul style="list-style-type: none"> <li>a. Impounded vehicles/vessel are recovered by the owner or authorized driver/agent; or</li> <li>b. The owner or authorized driver/agent wishes to recover property from an impounded vehicle/vessel.</li> </ul>	\$35	No change
<b>Extra Time at Scene</b> - First one-half hour to be included in the initial cost per call. Charges are 15 minute intervals. All extra time/labor shall be documented by the tow truck operator and shall include the name of the law enforcement agency and the law enforcement agency case number or the officer's name and badge number. The documentation shall also include a detailed explanation of the services rendered which necessitated the charges and if possible photographs of the scene.	25% of applicable towing fee in 15 minute intervals.	No change
<b>Underwater Recovery</b> - Performed by a certified/professional diver with the written documentation and approval by the investigating law enforcement agency/officer.	\$100 plus cost per hour (port-to-port)	No change
<b>Hazardous material clean-up</b> and disposal as required, mandated and/or licensed through state or local laws and approved by the investigating law enforcement agency/officer.	Towing Company prevailing rates	No change

**II. Operating Permit Fees, Vehicle Decal Fees, and Other Fees as follows:**

<b>TYPE OF FEE</b>	<b>CURRENT</b>	<b>PROPOSED</b>
Annual Application Fee for companies performing non-consent towing services	\$600	No change
Annual Application Fee for companies performing non-consent towing services for 2010 license year only.	\$550	No change
Annual Application Fee for companies performing consent-only towing services	\$300	No change
Annual Application Fee for companies performing consent-only towing services for 2010 license year only	\$250	No change

<b>TYPE OF FEE</b>	<b>CURRENT</b>	<b>PROPOSED</b>
Towing Vehicle Decal Fee	\$150	No change
Storage Yard Inspection Fee (for each company with a storage yard)	\$100	No change
Operating Permit Application Late Fee		
1. Late up to 30 days	\$200	<b>\$75</b>
2. Late up to 31 to 60 days	\$300	<b>\$100</b>
3. Late 61 days and up to 1 year from date of expiration	\$400	<b>\$150</b>
Operating Permit Application Refiling Fee	\$200	No change
Towing Vehicle Decal Replacement Fee	\$25	No change
Inspection Late Fee	\$50	No change
Inspection Cancellation Fee	\$75	No change
Storage Facility Re-inspection Fee	\$75	No change
Administrative Appeal Filing Fee	\$100	No change
Administrative Reactivation Fee (including Administrative Insurance Reactivation Fee)		
1. First occurrence	\$250	No change
2. Second and subsequent occurrences	\$500	No change
Tow truck Driver I.D. Badge Fee	\$60	No change
Tow truck Driver I.D. Badge Replacement Fee	\$30	No change
Tow truck Driver I.D. Badge Rush Fee	\$30	No change
Criminal Background Fee (Currently using Florida Department of Law Enforcement Criminal History Record) – Cost to County	<del>\$23</del>	<b>\$24</b>
All fees are non-refundable.		
Note: Any company initially paying for a “Consent-Only” towing application, but later (in the same year) desiring to perform “Non-Consent” towing services, must apply to the Consumer Affairs Division and pay the additional amount required for the “Non-Consent” application fee.		

**III. Fine Schedule as follows:**

A. Civil fines for violation of the Tow Truck Ordinance shall be set at \$500 for the first and all subsequent offenses for the following sections (a possible mandatory court appearance may be required for the third offense):

1. Section 19-184. Operating permit required.
2. Section 19-187. Insurance requirements.
3. Section 19-189 (f). Operating a tow truck that has failed to pass any critical item.
4. Section 19-195 (c). Failure to disconnect vehicle from tow truck if the vehicle/vessel owner or authorized driver/agent arrives at the scene prior to the vehicle/vessel being removed or towed from the property and offers to pay a reasonable service fee of not more than ½ of the posted rate for such towing service (drop charge).

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5. Section 19-200. Fraudulent transfer of tow truck company.
  6. Section 19-204 (b). (Using physical force against ordinance enforcement officer)
- B. Civil fines for violation of the Tow Truck Ordinance shall be set at \$100 – first offense, \$250 – second offense and \$500 – third offense (with a possible mandatory court appearance) for the following sections:
1. Section 19-188 (a) (Display vehicle decal)
  2. Section 19-188 (b)(1) (Vehicle signage)
  3. Section 19-199 (Driver requirements)
- C. Civil fines for violation of the Tow Truck Ordinance shall be set at \$250 – first offense, \$500 – second offense and \$500 – third offense (with a possible mandatory court appearance) for all other sections of the Ordinance not identified in A and B above.

**VI. Minimum Insurance Requirements as follows:**

Each tow truck company shall provide the following minimum insurance levels as required in Section 19-187. Insurance Requirements of the Tow truck Ordinance:

- A. Auto liability for each tow truck used by a consent-only company:
1. For each Class A or Light Duty Tow Truck used exclusively for consent-only towing:
 

Combined single limit.....	\$100,000
or	
Split limits.....	\$100,000/\$300,000/\$50,000
  2. For all other consent-only tow trucks;
 

Combined single limit.....	\$500,000
or	
Split limits.....	\$500,000/\$500,000/\$100,000
- B. Auto liability for each tow truck used by a non-consent company:
1. For each Class A – Light Duty Non-Police tow truck
 

Combined single limit.....	\$300,000
or	
Split limits.....	\$250,000/\$500,000/\$100,000
  2. For all other non-consent tow trucks
 

Combined single limit.....	\$500,000
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or

Split limits .....\$500,000/\$500,000/\$100,000

C. General/Garage Liability:

1. For tow truck operators performing only consent tows:

Combined single limit .....\$100,000

or

Split limits .....\$100,000/\$300,000/\$50,000

2. For tow truck operators performing only private property impound tows:

Combined single limit .....\$300,000

or

Split limits .....\$250,000/\$500,000/\$100,000

3. For all other tow truck operators:

Combined single limit .....\$500,000

or

Split limits .....\$500,000/\$500,000/\$100,000

D. Garage Keeper's Legal Liability:

1. For any one vehicle .....\$50,000

2. Per occurrence .....\$100,000

(Companies which do not have a storage facility or are not responsible for the care, custody and control of vehicles not on-hook are exempt from this requirement)

E. On-Hook Cargo Liability Coverage for Each Vehicle .....\$50,000

F. Worker's Compensation (according to state law)