

1 Section 1. Sections 20-176.12 through 20-176.32 are hereby amended to read
2 as follows:

3 **Sec. 20-176.12. Authority.**

4 The provisions of this division are enacted pursuant to the statutory power of the
5 County to establish and enforce business regulations necessary for the protection of the
6 public.

7 **Sec. 20-176.13. Short title.**

8 This division shall be known and may be cited as the "Towing and Immobilization
9 Company Regulating Ordinance of Broward County."

10 **Sec. 20-176.14. Purpose.**

11 (a) It is declared by the Board of County Commissioners of Broward County
12 that, in order to provide for and safeguard the life, health, safety, property, and welfare
13 of the people, the regulation of business enterprises engaged in the practice of
14 recovering, towing, immobilizing, removing, and storing of motor vehicles ~~are matters~~ is
15 a matter affecting the public interest; and any person desiring to conduct such a
16 business enterprise shall be required to obey the regulations as hereinafter provided.

17 (b) The purpose of this division is to provide a uniform system for the
18 regulation of business enterprises which are engaged in or which intend to engage in
19 the practice of recovering, towing, immobilizing, removing, or storing of motor vehicles.

20 **Sec. 20-176.15. Definitions.**

21 For the purposes of this article, the following definitions shall apply:

22 (a) ~~Commission~~ Board shall mean the Board of County Commissioners of
23 Broward County, Florida.

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (b) *County Administrator* shall mean the chief executive officer and head of
2 the administrative branch of county government as provided in Article III of the Charter
3 of Broward County.

4 (c) ~~CAD shall mean the Broward County Consumer Affairs Division, or any~~
5 ~~selected county agency.~~

6 (d) *Director* shall mean the Director of the Broward County Permitting,
7 Licensing and Consumer Affairs Protection Division (CAD), or the Director's designee.

8 (d) *Division* shall mean the Broward County Permitting, Licensing and
9 Consumer Protection Division, or any selected county agency.

10 (e) *Express instruction* shall mean a clear, definite, and explicit request:

11 (1) Made in writing by a police officer to recover, tow, immobilize, remove, or
12 store a specific and individual vehicle which is disabled or abandoned or
13 parked without authorization, or whose operator is unable or unwilling to
14 remove the vehicle; or

15 (2) Made in writing by a property owner or duly authorized agent of the
16 property owner to recover, tow, immobilize, remove, or store a specific
17 and individual vehicle parked without permission of the property owner;
18 provided, however, that such property owner or agent shall not be the
19 ~~p~~Person requested to recover, tow, immobilize, remove, or store the
20 vehicle, or an employee, or agent thereof; or

21 (3) Made by telephone (properly documented with the name of the person
22 requesting the tow, the date, time, and name of the person receiving the
23 telephone call), in person, or in writing by a vehicle owner or the
24 authorized driver to recover, tow, immobilize, remove, or store a specific

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

1 and individual vehicle which is in the lawful control of the vehicle owner or
2 authorized driver requesting the towing service.

3 The foregoing notwithstanding, where the property owner is a government entity, the
4 property owner or an employee or agent thereof may be the same person requested to
5 recover, tow, immobilize, remove, or store the vehicle. Every request made in writing or
6 in person must indicate the date and time of the instruction and must be signed by the
7 police officer, the property owner, or agent, or the vehicle owner or authorized driver in
8 the presence of the person providing the requested service.

9 (f) *Immobilization a/k/a Denver Boot a/k/a booting* shall mean the ~~business of~~
10 ~~disabling vehicles by placing a boot on the wheel of the motor vehicle~~ act of placing, on
11 a parked vehicle, a mechanical device that is designed to be attached to the wheel or
12 tire so as to prohibit its usual manner of movement.

13 (g) *Industry* shall mean the business of recovering, towing, immobilizing, or
14 removing vehicles and providing any related vehicle storage services.

15 (h) *Operate* shall mean to provide for the services of recovering, towing,
16 immobilizing, or removing vehicles and any related vehicle storage services.

17 (i) *Operator* shall mean any ~~p~~Person who provides the services of
18 recovering, towing, immobilizing, or removing vehicles and any related vehicle storage
19 services.

20 (j) *Person* shall mean any natural person, firm, partnership, association,
21 corporation, or other entity of any kind whatsoever.

22 (k) *Personnel* ~~a~~Authorized by CAD the Division shall mean personnel
23 authorized by the ~~d~~Director and presenting valid identification.

1 (l) *Property Owner* shall mean that person who exercises dominion and
2 control over real property, including, but not limited to, the legal title holder, lessee,
3 designated representative of a condominium association, or any person authorized to
4 exercise or share dominion and control over real property; provided, however, that
5 "~~Property Owner~~" shall not mean or include a person providing towing services as a
6 part of regularly conducted business activity within the purview of this ~~Article~~. The
7 foregoing notwithstanding, all government entities providing their own towing services
8 may be property owners for purposes of this ~~Article~~.

9 (m) *Recover* shall mean to take possession of a vehicle and its contents and
10 to exercise control, supervision, and responsibility over it.

11 (n) *Regulation* shall mean a rule set forth in this ~~Article~~, the violation of which
12 is sufficient grounds for fines, suspension or revocation of a license, civil damages,
13 court costs, and attorneys' fees; and specified criminal penalties.

14 (o) *Remove* shall mean to change the location of a vehicle by towing it.

15 (p) *Revoke* shall mean to annul and make void the license of a person
16 engaged in the business of providing vehicle immobilization services.

17 (q) *Store* shall mean to place and leave a towed vehicle at a location where
18 the person providing the towing service exercises control, supervision, and
19 responsibility over the vehicle.

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

22 (s) *Towing Class* shall mean the type of towing vehicle, equipment, or
23 apparatus used to recover, tow, or remove vehicles. The towing classes shall be
24 distinguished as follows:

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

1 . . .

2 (t) *Trade name* shall mean any name under which a person, corporation,
3 partnership, association, firm, or any other entity operates its business.

4 (u) *Vehicle* shall mean an automobile, truck, bus, trailer, semitrailer, truck
5 tractor and semi-trailer combination, recreational unit primarily designed as temporary
6 living quarters which either has its own motive power or is mounted on or drawn by
7 another vehicle, or any other mobile item using wheels and being operated on the roads
8 of Broward County, which is used to transport persons or property and is propelled by
9 power other than muscular power; provided, however, that the term does not include
10 bicycles, mopeds, traction engines, road rollers, or vehicles which run only upon a track.

11 **Sec. 20-176.16. Vehicle immobilization license required.**

12 (a) It shall be unlawful for any ~~p~~Person, as part of a regularly conducted
13 business activity, to immobilize a vehicle or to cause or permit any other person to
14 immobilize a vehicle without first obtaining and maintaining a current and valid license
15 pursuant to the provisions of this ~~a~~Article.

16 (b) It shall be unlawful for any ~~p~~Person, as part of a regularly conducted
17 business activity, to advertise to immobilize a vehicle or to cause or permit any other
18 ~~p~~Person to immobilize a vehicle without first obtaining and maintaining a current and
19 valid license pursuant to the provisions of this ~~a~~Article. Any advertisement, including
20 advertisements and telephone listings in any and all "Yellow Pages," shall include the
21 license number issued pursuant to this division.

22 (c) Nothing in this division shall be construed to prohibit the discharge or
23 storage of a vehicle lawfully recovered, towed, or removed in another county and
24

1 lawfully transported into Broward County; nor shall anything in this division be construed
2 to prevent the immobilization of vehicles by a government agency.

3 (d) Nothing in this division shall be construed to prevent a natural person from
4 working in an employment relationship for another ~~p~~Person holding a valid license
5 under this ~~a~~Article; provided, however, that any natural person who is an independent
6 contractor and not an employee of a licensed ~~p~~Person is also subject to all
7 requirements and provisions of this division.

8 **Sec. 20-~~176~~.17. Application for a vehicle immobilization license; fees.**

9 (a) Every application for a vehicle immobilization license shall be in writing,
10 signed and verified by the applicant, and filed with the ~~CAD~~ Division together with an
11 investigative and processing fee established by administrative order of the County
12 Administrator or resolution approved by the ~~Commission~~ Board. The application fee
13 shall be deposited in a separate county fund and shall be used exclusively to
14 accomplish the purposes of this division. The amount of the application fee shall be
15 reasonably related to the cost of the services and regulation provided. The fee shall be
16 assessed against each applicant. The statements contained in the application shall
17 become a part of the license and may be modified only in accordance with the
18 provisions of this division.

19 (b) Every application for a vehicle immobilization license shall be on a form
20 prescribed by the ~~CAD~~ Division and shall contain all the information required by that
21 form, including, but not limited to:

22 (1) Sufficient information to identify the applicant, including, but not limited to,
23 full legal name, date of birth, or formation of legal entity, telephone
24 numbers, and all business and residence addresses if the applicant is a

1 corporation. ~~¶~~ The foregoing information shall also be provided for each
2 corporate officer, director, resident agent, and shareholder. If the
3 applicant is a partnership, the foregoing information shall be provided for
4 each general and each limited partner. Post office box addresses shall
5 not be accepted.

6 (2) Documentation demonstrating that all corporate or partnership applicants
7 are qualified to do business under the laws of Florida.

8 (3) A list of all persons with any ownership interest in the applicant who have
9 previously been denied a license.

10 (4) Any trade name under which the applicant operates, intends to operate, or
11 has previously operated.

12 (5) A description of the applicant's operational procedure, which shall include
13 but not be limited to the following: location and description of all places of
14 business, a description of all existing equipment, a system for handling
15 complaints and accidents, insurance coverage and a description of the
16 communication system.

17 (6) A description of services proposed to be provided, including, but not
18 limited to, days and hours of operation and types of immobilizing services
19 to be provided.

20 (7) A record of all crimes of which the applicant has been adjudicated guilty or
21 of which adjudication has been withheld within the last five (5) years
22 preceding the date of the application. Individual applicants shall be
23 fingerprinted and photographed and photographed by the Broward County
24 Sheriff's Office, a law enforcement agency, or successor of the ~~Broward~~

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

1 ~~County Consumer Affairs~~ Division and shall be provided to the ~~CAD~~
2 Division with the application. In the case of a corporate or partnership
3 applicant, all such information shall be provided by all corporate officers
4 and directors, sole proprietors, operations manager, or managing general
5 partners, as the case may be, and by all stockholders who own, or hold or
6 control five percent (5%) or more of issued and outstanding stock in the
7 corporation or beneficial interest therein, and by all officers and directors
8 of any corporate general partners of a partnership and by stockholders
9 who own or control five percent (5%) or more of issued and outstanding
10 stock in a corporate general partner, or beneficial interest therein.

- 11 (8) Proof of insurance as required in Section 20-176.19 of this division.
- 12 (9) The signature of each individual applicant, and all persons who exercise
13 control, including, but not limited to, the signature of the president, or
14 vice-president, or a corporate applicant, and the signature of all the
15 managing general partners of a partnership applicant.
- 16 (10) An agreement on the part of the applicant to abide by the provisions of this
17 division and the laws of the State of Florida and ~~the County of Broward~~
18 County, as may be amended from time to time. This agreement will be a
19 part of the license application.
- 20 (11) Such additional information about the applicant as the ~~d~~Director may
21 deem appropriate.
- 22 (12) Submission of a vehicle immobilization license application fee.

23
24
Coding: Words in ~~struck through~~ type are deletions from existing text. Words in
 underscoring type are additions.

1 **Sec. 20-176.18. Issuance of license; renewal.**

2 (a) The eDirector is empowered to issue licenses to applicants who meet the
3 standards and requirements for a vehicle immobilization license, and to promulgate
4 administrative processes and procedures for the application, issuance, and revocation
5 of such license.

6 (b) The eDirector shall review and investigate each application for a vehicle
7 immobilization license and shall reject any application that is not properly filed or is
8 incomplete or untrue in whole or in part, or which fails in any way to meet the
9 requirements of this Article.

10 (c) No vehicle immobilization license, as applicable, shall be issued to an
11 applicant or renewed unless the applicant has completed the following:

12 (1) Filed with the eDirector a true, correct, and complete application on a form
13 prescribed by ~~CAD~~ the Division, including all proofs of required insurance;
14 and

15 (2) Paid the initial or renewal application fee; and

16 (3) Submitted to a background investigation.

17 (d) Each immobilization license shall be on a form prescribed by ~~CAD~~ the
18 Division and shall be signed by the eDirector. Each immobilization license shall contain,
19 at a minimum, the name and address of the applicant, the dates the license remains in
20 effect unless suspended or revoked, and a statement of such additional terms and
21 conditions, and restrictions and limitations as were authorized in the application and
22 approval process.

23 (e) All initial immobilization licenses shall be effective from their date of
24 issuance to the end of the calendar year, December 31. Subsequent licenses shall be

1 effective for the calendar year beginning January 1 and ending December 31. The fee
2 for the initial application shall be established by ~~a~~Administrative ~~e~~Order of the County
3 Administrator and approved by the ~~Broward County Commission~~ Board or by resolution
4 passed by the ~~Broward County Commission~~ Board.

5 (f) Prior to the expiration of the initial vehicle immobilization license, an
6 applicant may apply for an annual vehicle immobilization license. As a part of the
7 renewal process, the original application shall be updated and verified by the applicant
8 on forms prescribed by ~~CAD~~ the Division. Renewal applications shall also include such
9 financial information as ~~CAD~~ the Division shall deem necessary to consider the
10 continued appropriateness of maximum fees established pursuant to this Code. Each
11 updated renewal application shall be submitted prior to expiration of the current initial or
12 annual license and shall be accompanied by a fee which shall be established by
13 resolution of the ~~Board of County Commissioners~~. All renewal application fees shall be
14 deposited with original application fees and other charges and fees under this division in
15 a separate Broward County fund and shall be used exclusively to accomplish the
16 purposes of this division. The amount of the renewal fee shall be reasonably related to
17 the cost of the services and regulations provided, and shall be in addition to any other
18 fees or charges required by this division. All annual vehicle immobilization licenses
19 which are not renewed shall automatically expire December 31 of the year of issuance
20 and all vehicle immobilization services permitted shall cease immediately. The
21 ~~d~~Director shall deny each renewal application that is not timely, is not properly filed, is
22 incomplete, is untrue in whole or in part, is unaccompanied by the required fee, or
23 results in a determination by the ~~d~~Director that the applicant has failed to satisfy the
24 requirements of this section.

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

1 (g) A license issued or renewed pursuant to the provisions of this division
2 shall not be transferable, nor shall the ownership structure of the licensee be so
3 modified as to constitute a change in the control or ownership of the license, without the
4 prior written approval of the ~~CAD~~ Division Director.

5 (h) There shall be no numerical limit on the licenses issued pursuant to the
6 provisions of this division.

7 **Sec. 20-176.19. Insurance requirements.**

8 (a) It shall be unlawful for any ~~p~~Person, as part of a regularly conducted
9 business activity, to immobilize a vehicle until that person has filed with the ~~d~~Director
10 and maintains in effect an insurance policy or policies or certificates of ~~issuance~~
11 insurance which shall contain immobilization coverage in an amount no less than
12 \$20,000 for its liability.

13 (b) All evidence of insurance shall be executed and filed with the ~~CAD~~
14 Division by the insurance carrier in a form or forms acceptable to the Broward County
15 Risk Management Division. The insurance carrier or company shall qualify as an
16 insurance company authorized to transact ~~insurance~~ business in the State of Florida
17 pursuant to Chapter 624, ~~p~~Part III, Section 624.401, et seq., Florida Statutes. The
18 insurance carrier or company must be a participant in the Florida Insurance Guaranty
19 Association. No policy shall be accepted which is for a period of less than six (6)
20 months.

21 (c) The insurance shall be kept in full force and effect by the ~~certificate~~ license
22 holder at all times. Failure to file such evidence of insurance with the ~~CAD~~ Division, or
23 failure to have same in full force and effect, may be cause for suspension or revocation
24 which shall remain in effect until proof of compliance with this section is submitted to the

1 ~~CAD~~ Division and approved. The insurance shall provide for thirty (30) days' notice, by
2 registered or certified mail, to ~~CAD~~ the Division of any material change, cancellation, or
3 expiration of the policy.

4 (d) The insurance requirements of this division shall not apply to
5 governmental entities which are self-insured.

6 **Sec. 20-176.20. Denial of license; appeal; review.**

7 (a) Any ~~p~~Person dissatisfied or aggrieved with the decision of the ~~d~~Director to
8 deny such ~~p~~Person's application for initial license or license renewal may, within ten
9 (10) calendar days after the denial, appeal in writing to the ~~CAD~~ Division. ~~u~~Upon
10 receipt of an appeal, the ~~CAD~~ Division shall schedule and hold a hearing within thirty
11 (30) calendar days. The dissatisfied or aggrieved ~~p~~Person shall be provided with a
12 notice of hearing which shall include:

13 (1) A statement of the time and place for hearing; and

14 (2) A reference to the facts and relevant section of the county ordinance or
15 regulations upon which the denial is based.

16 (b) The hearing shall be conducted in accordance with the procedures for
17 Consumer Protection Board hearings. At the hearing, witnesses shall be sworn, and
18 the rules of evidence applicable to quasi-judicial proceedings shall govern. After
19 conclusion of the hearing, the Consumer Protection Board shall affirm or reverse the
20 decision of the ~~d~~Director; and that action shall be final. Should the Consumer
21 Protection Board reverse the decision of the ~~d~~Director, the ~~d~~Director shall issue the
22 license.

1 **Sec. 20-176.21. Manifest, towing invoice, or tow sheet.**

2 (a) It shall be unlawful for any person, as part of a regularly conducted
3 business activity, to recover, tow, immobilize, or remove a vehicle or provide storage in
4 connection therewith, unless the person providing such service shall maintain in that
5 person's possession a manifest, towing invoice, or tow sheet, issued by a police
6 agency, on a form prescribed by the Division, or a form that has been reviewed and
7 approved by the Division, which shall include, but not be limited to, the following
8 information:

- 9 (1) ~~Name of the licensee and of t~~The coded identifying information of the
10 ~~natural p~~erson physically providing the service; and
11 (2) Date and time that the service was requested; and
12 (3) Name, address, and telephone number of the authorized entity or person
13 requesting the service; and
14 (4) Date and time that the service was initiated; and
15 (5) Location at which the service was initiated; and
16 (6) Destination to which the vehicle being provided the service is taken and
17 the time of arrival at the destination; and
18 (7) Description of the vehicle being provided the service, including ~~maker~~ the
19 make, model, year, color, vehicle identification number, and state license;
20 plate number, if any; and
21 (8) Description of services provided; and
22 (9) ~~The total charges listed individually and especially along with a description~~
23 ~~of such charges.~~ Itemized billing which separately lists each service
24 performed, the cost of each service, and the total cost for all services; and

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

1 (10) The reason the service is being provided, including, but not limited to,
2 whether the vehicle was illegally parked, a private property impound, etc.;
3 and

4 (11) A list of the maximum towing and storage rates for nonconsensual tows
5 from private property as provided for in the Broward County Code of
6 Ordinances; and

7 (12) The following statement: "To file a complaint about fees charged, contact
8 the Broward County Permitting, Licensing and Consumer Protection
9 Division at (954) 765-4400."

10 (b) Each manifest, towing invoice, or tow sheet shall be immediately available
11 for inspection by police officers or by ~~p~~Personnel ~~a~~Authorized by the CAD Division, at
12 any time during the period of recovery, towing, immobilization, or removal of a vehicle.

13 **Sec. 20-176-~~22~~. Records retention; inspection.**

14 Each towing and immobilization service company under this division shall
15 maintain accurate and complete records of all operating information as ~~CAD~~ the
16 Division may require, including, but not limited to, manifests or towing invoices, invoices
17 and statements for services rendered, and records of payments for services rendered.
18 Such records shall be maintained for at least three (3) years. The ~~CAD~~ Division shall be
19 granted access to these records for inspection or copying, upon five (5) calendar days'
20 prior notice and during regular business hours. All records and information inspected
21 and not copied shall be confidential, except that records may be copied or made public
22 for the purpose of license suspension or revocation proceedings, where applicable.

1 **Sec. 20-176.23. Anti-discrimination.**

2 No licensee shall refuse or neglect to provide vehicle immobilization services to
3 any orderly person requesting such service and able and willing to pay for such
4 services, on account of that person's race, sex, religion, national origin, age, marital
5 status, or handicap.

6 **Sec. 20-176.24. Immobilization license required to do business with**
7 **Broward County.**

8 Any bid for the award of any contract or agreement with ~~the~~ Broward County for
9 services to immobilize vehicles shall be subject to the ~~p~~Person seeking to obtain such
10 contract or agreement holding or obtaining a valid and current license issued pursuant
11 to this ~~a~~Article. Any bids not in compliance with this section shall be null and void.

12 **Sec. 20-176.25. Towing and Immobilizing without prior consent of vehicle**
13 **owner or duly authorized driver of vehicle.**

14 In addition to the other requirements of this division, no ~~p~~Person shall, as a part
15 of a regularly conducted business activity, recover, tow, remove, or immobilize a vehicle
16 without the prior express instruction of the vehicle owner or authorized driver, except in
17 accordance with the following:

18 (a) Only ~~p~~Persons duly licensed under this division shall, as part of a regularly
19 conducted business activity, immobilize a vehicle without the prior express instruction of
20 the vehicle owner or authorized driver. A Person providing towing services is not
21 required to obtain a license from the Division.

22 (b) ~~Persons duly licensed under this division~~ who provide services pursuant to
23 this section may, as part of a regularly conducted business activity, recover, tow,
24 remove, or immobilize a vehicle without the prior express instruction of the vehicle

1 owner or authorized driver upon the express instruction of a police officer and in
2 accordance with the terms of any contracts or agreements between the licensee and
3 the governmental entity in whose jurisdiction the police officer serves. Such contracts
4 or agreements may provide terms and requirements in excess of the requirements
5 provided by this division.

6 (c) ~~Persons duly licensed under this division~~ who provide services pursuant to
7 this section may, as part of a regularly conducted business activity, recover, tow,
8 remove, or immobilize a vehicle without the prior express instruction of such vehicle
9 owner or authorized driver, upon the express instruction of a property owner, or such
10 property owner's authorized agent, on whose property the vehicle is disabled,
11 abandoned, or parked without authorization, or whose operator is unwilling to remove
12 the vehicle, provided that the requirements of this Article are satisfied.

13 (d) Persons who provide services pursuant to this section shall not pay or
14 rebate money, or solicit or offer the rebate of money or other valuable consideration to
15 obtain the privilege of rendering such services.

16 (e) Persons who provide services pursuant to this section shall not do so
17 when the vehicle owner or other person legally authorized to control the vehicle is
18 present without his or her expressed consent.

19 (f) ~~A minimum of two (2) of the following three (3) forms of payment shall be~~
20 ~~accepted by p~~Persons who provide services pursuant to this section shall, at a
21 minimum, accept the following forms of payment from the vehicle owner or authorized
22 representative:

- 23 (1) ~~Cash, money order or valid traveler's check;~~
24 (2) ~~Major e~~Credit card; or and

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

1 (3) ~~Personal check showing on its face the name and address of the vehicle~~
2 ~~owner or authorized representative~~ Debit card.

3 If payment is made in cash, change shall be provided to the closest whole dollar.
4 Additional charges or fees shall not be assessed when payments are made by credit
5 card or debit card.

6 A vehicle owner or authorized representative shall not be required to furnish
7 more than one (1) form of government-issued picture identification when payment is
8 made by credit card or personal check, and the government-issued identification shall
9 constitute sufficient identity verification.

10 (g) Persons who provide services pursuant to this section, and companies
11 who tow vehicles without prior consent of the vehicle owner or duly authorized driver of
12 the vehicle, shall display on the same sign as the rate schedule, required by this
13 section, the following statement:

14 TO THE VEHICLE OWNER

15 If you believe that you have been overcharged for the services rendered,
16 you do not have to pay your bill to get your car. Instead, you have the right to post a
17 bond in the circuit court, payable to [name of ~~p~~Person providing service], in the amount
18 of the final bill for services rendered, and the court will decide later who is right. If you
19 show us a valid clerk's certificate showing that you have posted a bond, we must
20 release your vehicle to you immediately. This remedy is in addition to other legal
21 remedies you may have pursuant to Chapter 713, Florida Statutes.

22 If you have a complaint about the way services were provided, you may
23 call the Broward County Permitting, Licensing and Consumer Affairs Protection Division.

24
Coding: Words in ~~struck through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (h) Persons who provide immobilization services pursuant to this section shall
2 not use profane language, physical force, or violence in dealing with the individual
3 responsible for administering this division or individuals who have had or are about to
4 have their vehicle immobilized.

(i) 5 (i) When there is a living person inhabiting the vehicle, Persons who provide
6 services pursuant to this section shall inform the person inhabiting the vehicle that the
7 vehicle must be moved. If the person inhabiting the vehicle fails to move the vehicle,
8 Persons who provide services pursuant to this section shall offer and provide said
9 inhabitant transportation to the nearest homeless assistance center prior to towing the
10 vehicle. Once the inhabitant of the vehicle has been transported to the nearest
11 homeless assistance center, only then can Persons who provide services pursuant to
12 this section be permitted to tow said vehicle. No vehicle shall be towed when there is a
13 living natural person occupying the vehicle.

14 (j) Persons who provide services pursuant to this section shall transport the
15 vehicle directly to the storage site of the Person providing the service, or to such other
16 location as a police officer authorizing the tow may expressly direct, and shall not keep
17 the vehicle in any temporary holding area.

18 (k) Persons who provide services pursuant to this section shall maintain a
19 place of business. The place of business shall have a sign that clearly and
20 conspicuously identifies the business to the public; and office space that has at least
21 one (1) natural person on duty from 8:00 a.m. until 6:00 p.m., Monday through Friday, to
22 answer telephone calls and to be open to serve the public. However, the office may be
23 closed to observe all holidays observed by Broward County government. The place of
24

1 business shall maintain a telephone communication system to answer telephone calls
2 from the public twenty-four (24) hours a day.

3 (l) Persons who provide services pursuant to this section shall file and keep
4 on record with local law enforcement a complete copy of all current rates charged for
5 the recovery, towing, removal or immobilization of vehicles, and storage provided in
6 connection therewith. Such Persons shall also display prominently at each vehicle
7 storage site a schedule of all charges and rates for removal of vehicles at the request of
8 property owners. That rate schedule shall be posted prominently in the area designated
9 for the vehicle owner or authorized representative to transact business. Such area shall
10 provide shelter, safety, and lighting adequate for the vehicle owner or authorized
11 representative to read the posted rate schedule. Further, notice shall be posted
12 advising the vehicle owner or authorized representative of the right to request and
13 review a complete schedule of charges and rates for services provided at the request of
14 law enforcement for the jurisdiction in which a police order to tow was made.

15 (m) Persons who provide services pursuant to this section shall advise any
16 vehicle owner or authorized representative who calls by telephone prior to arriving at the
17 storage site of the following:

18 (1) Each and every document or other item which must be produced to
19 retrieve the vehicle; and

20 (2) The exact charges as of the time of the telephone call, and the rate at
21 which charges accumulate after the call; and

22 (3) The acceptable methods of payment; and

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

24
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 (i) (n) Persons who provide services pursuant to this section shall permit
2 every owner or authorized agent to inspect the towed vehicle immediately upon arrival
3 at the storage site and before payment of any charges. The vehicle owner or
4 authorized agent shall be permitted to remove from the vehicle any and all personal
5 possessions inside but not affixed to the vehicle, including, but not limited to, radios
6 and telephones, and the Operator of the storage site shall assist any vehicle owner or
7 authorized agent in doing so. No release or waiver of any kind, which would release
8 the Person providing services under this section at the time of retrieval, may be
9 required as a condition of release of the vehicle.

10 **Sec. 20-176.26. Requirements for providing tow services or immobilization**
11 **at request of property owners.**

12 ~~Persons duly licensed under this division~~ who provide services pursuant to this
13 section may, as part of a regularly conducted activity, recover, tow, remove, or
14 immobilize a vehicle upon the instruction of a property owner, or such property owner's
15 authorized agent on whose property the vehicle is abandoned or parked without
16 authorization, provided that the following requirements are satisfied:

17 (a) Notice shall be prominently posted on the property from which the vehicle
18 is proposed to be recovered, removed, or immobilized and shall fulfill the following
19 requirements:;

- 20 (1) Notice, in the form of a sign structure, shall be prominently placed at each
21 driveway access or curb cut allowing vehicle access to the property, within
22 five (5) feet from the public-right-of-way line. If there are no curbs or
23 access barriers, signs shall be posted not less than one (1) sign each
24 twenty-five (25) feet of lot frontage. The sign structure shall be

1 permanently installed with the bottom of the sign not less than ~~four (4)~~
2 three (3) feet above ground level and the top of the sign not more than
3 ~~(40)~~ six (6) feet above ground level, and shall be continuously maintained
4 on the property for not fewer than twenty-four (24) hours before the
5 recovering, towing, removal, or immobilization of vehicles.

6 (2) The notice shall clearly display:

7 a. In not less than two (2) inches high, light-reflective letters on a
8 contrasting background, that unauthorized vehicles will be towed,
9 removed, or immobilized at the owner's expense; and

10 b. In not less than four (4) inches high, light-reflective letters on a
11 contrasting background, the words "subject to towing, removal, or
12 immobilization"; and

13 c. In not less than two (2) inches high, light-reflective letters on a
14 contrasting background, the days of the week, and the hours of the
15 day during which vehicles will be towed, removed, or immobilized at
16 the owner's expense; and

17 d. In not less than two (2) inches high, light-reflective letters on a
18 contrasting background, the name and telephone number of the
19 pPerson performing the towing, removal, or immobilization, if there
20 exists a written contract between the property owner and that
21 pPerson for the towing, removal, or immobilization of vehicles; ~~and.~~

22 (3) The posting of notice requirements of this section shall not be required
23 where:
24

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

- 1 a. The property on which a vehicle is parked is properly appurtenant
2 to, and obviously a part of, a single-family or duplex-type residence;
3 or
4 b. Notice is personally given to the owner or operator of the vehicle
5 that the property on which the vehicle is to be parked is reserved or
6 unavailable for unauthorized vehicles and is subject to being
7 removed at the owner's expense; or
8 c. The property on which a vehicle is parked is owned by a
9 governmental entity and the towing, removal, or immobilization is
10 performed by a vehicle owned by the governmental entity in
11 compliance with laws authorizing towing, removal, or immobilization
12 of the vehicle.

13 (b) The property owner or such property owner's authorized agent shall
14 provide express written instruction to tow or immobilize the vehicle and shall date and
15 sign such instruction, including electronic facsimile that can have the date and time it
16 was sent verified, in the presence of the natural person towing, recovering, removing, or
17 immobilizing the vehicle. Neither the property owner nor such property owner's
18 authorized agent shall be an officer, employee, or agent of the ~~p~~Person requested to
19 tow, recover, remove, or immobilize the vehicle. No such instruction shall be
20 considered to have been given by posting of the notice as required by the preceding
21 parts of this section. No such instructions shall be considered to have been given by
22 virtue of the mere terms of any contract or agreement between a ~~p~~Person providing
23 towing, recovery, removal, or immobilization services and a property owner. No such
24 instruction shall be considered to have been given where the instruction occurs in

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

1 advance of the actual unauthorized parking of the vehicle. No such instruction shall be
2 considered to have been given where the instruction is general in nature and unrelated
3 to specific, individual, and identifiable vehicles which are already parked without
4 authorization.

5 (c) Persons who provide services pursuant to this section shall not charge for
6 recovery, towing, removal, or immobilization or provide storage in connection therewith
7 if the vehicle owner or other person legally authorized to control the vehicle arrives at
8 the scene prior to the recovery, towing, removal, or immobilization, except where:

9 (1) The registered owner or other legally authorized person in control of the
10 vehicle refuses or is unable to remove the vehicle; ~~and~~ or

11 (2) A complete mechanical connection exists between the vehicle and the
12 towing, ~~or~~ removal, or immobilization apparatus and the registered owner
13 or other person in control of the vehicle refuses to pay a reasonable
14 service fee of not more than one-half (1/2) of the posted rate for such
15 services as required by this division;

16 (d) ~~A minimum of two (2) of the following three (3) forms of payment shall be~~
17 ~~accepted by p~~Persons who provide towing or immobilization services pursuant to this
18 section shall, at a minimum, accept the following forms of payment from the vehicle
19 owner or authorized representative:

20 (1) ~~Cash, money order, or valid traveler's check;~~

21 (2) ~~Major~~Credit card; ~~or~~ and

22 (3) ~~Personal check showing on its face the name and address of the vehicle~~
23 ~~owner or authorized representative~~ Debit card.

24

1 If payment is made in cash, change shall be provided to the closest whole dollar.
2 Additional charges or fees shall not be assessed when payments are made by credit
3 card or debit card.

4 A vehicle owner or authorized representative shall not be required to furnish
5 more than one (1) form of government-issued picture identification when payment is
6 made by credit card or personal check, and said presentation shall constitute sufficient
7 identity verification.

8 (e) Persons who provide services pursuant to this section shall display on the
9 same sign as the rate schedule, required by the Broward County Code of Ordinances,
10 the following:

11 TO THE VEHICLE OWNER

12 If you believe that you have been overcharged for the services rendered,
13 you do not have to pay your bill to get your car. Instead, you have the right to post a
14 bond in the circuit court, payable to [name of ~~p~~Person providing service], in the amount
15 of the final bill for services rendered, and the court will decide later who is right. If you
16 show us a valid clerk's certificate showing that you have posted a bond, we must
17 release your vehicle to you immediately. This remedy is in addition to other legal
18 remedies you have pursuant to Chapter 713, Florida Statutes. If you have a complaint
19 about the way services were provided, you may call the Broward County Permitting,
20 Licensing and Consumer Affairs Protection Division.

21 (f) A ~~p~~Person or ~~o~~Operator offering immobilization services under this
22 division shall not provide such services unless the business enterprise shall first provide
23 to the ~~CAD~~ Division a written listing of the proper names of natural persons that property
24 owners have designated as authorized to issue an express instruction. For the purpose

1 of this prohibition, the term "property owner" shall not include single-family and duplex-
2 family residences. The written listing must include the printed name, written legibly, and
3 the signature, written legibly, of every authorized person.

4 (g) The Person recovering, towing, removing, or immobilizing a vehicle at the
5 request of a property owner or authorized agent shall, within thirty (30) minutes of the
6 completion of the vehicle recovery, tow, removal or immobilization, notify the Broward
7 County Sheriff's Office or the police department with jurisdiction over the area where the
8 vehicle was located, of the service rendered, the storage site of the vehicle, the time the
9 service was rendered, and the make, model, color, vehicle identification number, and
10 license plate number of the vehicle.

11 (h) Persons who provide services pursuant to this section shall maintain a
12 place of business. The place of business shall have a sign that clearly and
13 conspicuously identifies the business to the public; and office space that has at least
14 one (1) natural person on duty from 8:00 a.m. until 6:00 p.m., Monday through Friday, to
15 answer telephone calls and to be open to serve the public. However, the office may be
16 closed to observe all holidays observed by Broward County government. The place of
17 business shall maintain a telephone communication system to answer telephone calls
18 from the public twenty-four (24) hours a day.

19 **Sec. 20-176.27. Requirements for property owners requesting towing or**
20 **immobilization.**

21 (a) A property owner or such property owner's authorized representative may
22 cause a vehicle parked without authorization upon such property owner's property to be
23 immobilized or towed from such property by a ~~p~~Person licensed who provides services
24

1 pursuant to this division, and shall not incur liability for any associated costs, under the
2 following circumstances:

3 (1) When the property is appurtenant to, and obviously a part of, a single-
4 family residence or duplex-family residence; or

5 (2) When notice is personally given to the vehicle owner or other authorized
6 person in control of the vehicle that the area in which that vehicle is
7 parked is reserved or otherwise unavailable for unauthorized vehicles and
8 subject to being towed or immobilized at the expense of the vehicle owner
9 or authorized person in control of the vehicle; or

10 (3) When the vehicle has been parked without authorization on the property
11 for more than forty-eight (48) hours; or

12 (4) In case of any other unauthorized parking when notice is prominently
13 posted on the property as provided for in this section.

14 (b) When any property owner or such property owner's authorized
15 representative causes a vehicle to be towed or immobilized, such property owner shall
16 immediately, upon request and without demanding compensation, inform the vehicle
17 owner or other authorized person in control of the vehicle of the name and address of
18 the person who has towed or immobilized the vehicle.

19 (c) Nothing in this section shall permit any property owner or authorized
20 representative to request the towing or immobilization of law enforcement, firefighting,
21 rescue squad, ambulance, or other emergency vehicles.

22 (d) Any person who improperly causes a vehicle to be towed or immobilized
23 shall be liable to the vehicle owner or such vehicle owner's authorized representative for
24

1 the costs of the services provided, any damages resulting from rendering such services,
2 and attorney's fees.

3 **Sec. 20-176.28. Maximum nonconsensual towing, immobilization, and**
4 **storage rates for providing services at accident scenes and for abandoned**
5 **vehicles and impounded vehicles.**

6 (a) Maximum and allowable rates shall be established by resolution of the
7 ~~Broward County Commission~~ Board for providing recovery, nonconsensual towing,
8 immobilization, removal, and storage services at the request of a vehicle owner, his or
9 her authorized representative, or a police officer at the scene of a vehicle accident, or
10 other incident requiring the immobilization, removal, towing, and storage of a vehicle.
11 The rates established shall be uniform throughout Broward County, both in incorporated
12 and unincorporated areas, except where municipalities have existing or future contracts
13 for such services, or have established differing maximum rates for their jurisdictions.
14 From time to time, the rates established by the ~~commission~~ Board may be altered,
15 revised, increased, or decreased. Nothing in this ordinance shall limit rates charged in
16 contractual agreements.

17 (b) Persons who provide services pursuant to this section shall not charge in
18 excess of the maximum allowable rates established. No ~~person~~ Person providing services
19 pursuant to this section shall charge any type of fee other than the fees for which the
20 ~~Commission Board~~ Board has established specific rates.

21 **Sec. 20-176.29. Maximum nonconsensual towing and storage rates for**
22 **providing towing and immobilization services at the request of property owners.**

23 (a) The ~~Broward County Commission~~ Board shall establish maximum rates
24 for providing recovery, nonconsensual towing, immobilization, removal, and storage

1 services at the request of a property owner or such property owner's authorized
2 representative, without the prior consent of the vehicle owner or other authorized person
3 in control of the vehicle. The rates established shall be uniform throughout
4 unincorporated and incorporated Broward County, except where municipalities have
5 established differing maximum rates for their jurisdictions. From time to time, the rates
6 established by the ~~Commission~~ Board may be altered, revised, increased, or
7 decreased.

8 (b) Persons who provide services pursuant to this section shall not charge in
9 excess of the maximum allowable rates established by the ~~Commission~~ Board. No
10 ~~p~~Person providing services pursuant to this section shall charge any type of fee other
11 than the fees for which the ~~Commission~~ Board has established specific rates.

12 (c) Storage charges shall be permissible according to the applicable
13 provisions of the Broward County Administrative Code. The rate of storage charges
14 shall be stated at the time the vehicle arrives at the storage facility. The time of arrival
15 shall be accurately noted on the appropriate storage log.

16 **Sec. 20-176.30. Enforcement and penalties.**

17 (a) It shall be the duty and responsibility of all law enforcement officials to
18 assist in the enforcement of this division of the Code to the extent that it is within their
19 jurisdiction to do so.

20 (b) The ~~CAD~~ Division shall maintain a system by which violators are given
21 written notice of all violations. ~~CAD~~ Division personnel shall be permitted to enter the
22 business premises of a ~~p~~Person who provides services pursuant to this division to
23 ascertain compliance under this Code. If ~~CAD~~ Division personnel are refused entry or
24

1 access to the business premises, ~~CAD~~ the Division shall obtain an inspection warrant
2 pursuant to Florida law in order to ascertain compliance with this division.

3 (c) The ~~CAD~~ Division is authorized to enforce the provisions of this division by
4 administrative fines of up to five hundred dollars (\$500.00) for each violation. Each day
5 of a continuing violation shall be deemed a separate violation.

6 (d) In addition to a fine, the ~~CAD~~ Division is authorized to enforce the
7 provisions of this division by suspension or revocation of licenses upon notice and
8 hearing as provided in this section, unless the licensee waives such notice and hearing.

9 Licenses are subject to suspension or revocation when it shall appear that:

10 (1) The licensee has failed to comply with, or has violated, the provisions of
11 this division; or

12 (2) The license was obtained by an application in which any material fact was
13 omitted or falsely stated; or

14 (3) Any equipment owned and operated by the licensee pursuant to this
15 division has been operated in violation of this section or of any provision of
16 law.

17 (e) In addition to the foregoing, a license issued pursuant to this division may
18 be suspended after a hearing pursuant to the provisions of this section, when the ~~CAD~~
19 Division receives written notification that the licensee's officer, sole proprietor, director,
20 or managing general partner, operations manager, or any other stockholder owning,
21 holding, controlling, or having a beneficial interest in five percent (5%) or more of the
22 issued and outstanding stock of the licensee or of the issued and outstanding stock of a
23 corporate partner of a partnership licensee has pled nolo contendere, pled guilty, or
24 been convicted of a felony or of any criminal offense involving motor vehicles. In

1 addition, the ~~CAD~~ Division may initiate a hearing as hereinafter specified to consider
2 revocation of such license. A licensee whose license has been suspended under this
3 provision shall be entitled to reinstatement of such licensee's license upon proof that:

4 (1) After a felony conviction, the licensee's civil rights have been restored or
5 that the licensee otherwise qualifies for restoration of rights under Section
6 940.05, Florida Statutes, as amended; or

7 (2) After a conviction of any other criminal offense, that the person convicted
8 has successfully completed all sentences of incarceration, probationary
9 periods, required rehabilitation activities, and payment of all fines and
10 penalties imposed in connection with such criminal offense.

11 (f) Such hearings required by this section for proposed suspensions or
12 revocations of licenses shall be preceded by a minimum of twenty (20) calendar days'
13 written notice. That notice shall specify the ~~d~~Director's proposed action and the grounds
14 upon which the action is predicated. The licensee may be represented by legal counsel
15 and shall be entitled to present a defense to the proposed action. Failure to appear at a
16 duly-noticed hearing shall be deemed a waiver of the right to hearing and an admission
17 of the acts specified in the notice. Failure to claim certified mail notifying the licensee of
18 the hearing shall be construed as failure to appear at a duly-noticed hearing.

19 (g) Such hearings shall be conducted in the same manner as Consumer
20 Protection Board hearings (~~a~~Article VII, ~~d~~Division 1, ~~s~~Section 20-176, 20-176.1,
21 Broward County Code of Ordinances) and shall be before a three-member panel. All
22 such hearings shall be reported and, at the request of any party, transcribed at the
23 expense of that party. Within a reasonable time after the conclusion of the hearing, the
24 panel shall submit to the ~~d~~Director a statement of findings, conclusions, and

1 recommendations; and the ~~CAD~~ Division shall promptly notify all parties, in writing
2 (~~a~~Article VII, d~~Division 1, s~~Section 20-176.2, Broward County Code of Ordinances) of its
3 final decision.

4 (h) The decision of the panel may be appealed to a court of appropriate
5 jurisdiction in accordance with the Florida Rules of Appellate Procedure.

6 (i) Whenever any person has engaged in any acts or practices which
7 constitute violations of any provision of this division or the Broward County eCode of
8 Ordinances, the State Attorney or the Office of the County Attorney's Office may make
9 application to the Seventeenth Judicial Circuit for an order enjoining such acts or
10 practices and for an order granting permanent injunction, restraining order, or other
11 order enjoining such acts or practices, said orders to be granted without bond.

12 **Sec. 20-176.31. Supplemental enforcement.**

13 In addition to all other penalties, remedies, or other enforcement measures
14 established within this division, or as otherwise provided by law, violations of this
15 division shall be subject to civil penalties as provided by Chapter 8½ of the Broward
16 County Code of Ordinances; and penalties shall be imposed as set forth in the schedule
17 of penalties therein.

18 **Sec. 20-176.32. Scope of article.**

19 The provisions of this division shall be the exclusive regulations applicable to the
20 immobilization of vehicles and maximum rates for recovery, nonconsensual towing, and
21 immobilization and storage services in Broward County, except where municipalities
22 have enacted ordinances or rules and regulations governing towing, immobilization
23 services, and all storage charges and fees.

24

1 Section 2. SEVERABILITY.

2 If any portion of this Ordinance is determined by any Court to be invalid, the
3 invalid portion shall be stricken, and such striking shall not affect the validity of the
4 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
5 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
6 or circumstance(s), such determination shall not affect the applicability hereof to any
7 other individual, group, entity, property, or circumstance.

8 Section 3. INCLUSION IN CODE.

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

14 Section 4. EFFECTIVE DATE.

15 This Ordinance shall become effective as provided by law.

16
17 ENACTED April 24, 2012

18 FILED WITH THE DEPARTMENT OF STATE May 2, 2012

19 EFFECTIVE May 2, 2012
20
21
22

23 AJW/dp
04/26/12
Towing Ordinance.doc
24 #12-405

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