



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.1.

11/15/2022

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### **Subject:**

Proposed Ordinance Amending Chapter 106, Article I of the Brevard County Code, Pertaining to Wrecker and Towing Services.

### **Fiscal Impact:**

None.

### **Dept/Office:**

District 4

### **Requested Action:**

It is requested that the Board of County Commissioners hold a public hearing and adopt an ordinance amending Chapter 106, Article I of the Brevard County Code, pertaining to wrecker and towing services.

### **Summary Explanation and Background:**

The proposed ordinance includes the following amendments to Chapter 106, Article I of the Brevard County Code, pertaining to wrecker and towing services:

#### **Maximum Rates**

Pursuant to section 125.0103(c), Florida Statutes, Brevard County must establish the maximum rates which may be charged for the non-consensual towing or immobilization of vehicles or vessels within the county. Section 106-5, Brevard County Code, presently provides that the Board shall establish the required maximum rates by resolution.

The Board last established the maximum rate schedule in 2008 with the adoption of Resolution No. 2008-150. Section 106-5, Brevard County Code, provides that the rate resolution "may be amended from time to time, as required, to maintain maximum fees which are consistent with wrecking and towing services charged within the entire area of the county." Resolution No. 2008-150 contemplated that the Board may adjust the maximum rates each year by the lesser of 3%, or the percentage change in the Consumer Price Index (CPI) from the preceding calendar year. However, the maximum rates have not been updated since 2008.

The proposed ordinance would amend section 106-5, Brevard County Code, to establish the maximum rate schedule within the code itself, rather than by resolution. The proposed ordinance provides for maximum rate increases based on the percentage change in CPI since 2008. It also provides for automatic rate increases each year based on the change in CPI from the previous 12 months, or 3%, whichever is lower.

#### **Customer Bill of Rights**

The proposed ordinance establishes a new Customer Bill of Rights. The Customer Bill of Rights requires that towing companies display both their rate schedule and the maximum rates established in section 106-5,

Brevard County Code, as well as their normal business hours, and information regarding the customer's right to retrieve a towed vehicle. It also requires towing companies to provide a detailed receipt to customers, with sufficient information for customers to determine if they were charged in excess of the maximum allowable rates.

### **Wrecker Operator System**

Section 323.002, Florida Statutes, authorizes the county to establish a wrecker operator system, which is commonly referred to as a "rotation." Currently, the Brevard County Sheriff's Office maintains a wrecker rotation list. The proposed ordinance formalizes the wrecker operator system per statutory authority, and designates the Brevard County Sheriff's Office as the administrator of the system. The wrecker operator system incorporates safety qualifications and mechanical standards set by rules of the Florida Highway Patrol, and provides for operator background checks. The proposed ordinance prohibits wrecker operators from using fictitious names or separate business entities to secure multiple entries on the rotation list. However, current listings are grandfathered, and existing multiple listings would not be removed from the list if the ordinance is adopted.

### **Enforcement**

The proposed ordinance provides for enforcement by the law enforcement agency having jurisdiction where a violation occurs. Violations of the maximum rate schedule or Customer Bill of Rights may be prosecuted as misdemeanors, punishable by a fine not to exceed \$500.00 and/or up to 60 days in jail.

### **Miscellaneous**

In order to keep provisions of the Brevard County Code pertaining to wrecker and towing services in sequential order, the proposed ordinance rennumbers preexisting section 106-6 (Emergency services limited access roadway obstructions at railway crossings) to section 106-9, and section 106-7 (Operation of an ATV on certain roadways) to section 106-10. The proposed ordinance also facilitates access to individuals with disabilities by spelling out abbreviations and acronyms, such as changing "\$" to "section."

### **Clerk to the Board Instructions:**

Upon approval by the Board, execution by the Chair, and attestation by the Clerk, file the ordinance with the Department of State as required by law within the 10-day deadline.



November 16, 2022

**MEMORANDUM**

**TO:** Curt Smith, Brevard County Commissioner District 4

**RE:** Item H.1., Proposed Ordinance Amending Chapter 106, Article I of the Brevard County Code, Pertaining to Wrecker and Towing Services

The Board of County Commissioners, in regular session on November 15, 2022, discussed a proposed ordinance pertaining to wrecker and towing services, but took no action.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS**  
**RACHEL M. SADOFF, CLERK**

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

/sm

**cc:** Each Commissioner  
County Attorney  
County Manager

**ORDINANCE NO. 2022-\_\_\_\_\_**

AN ORDINANCE AMENDING BREVARD COUNTY CODE OF ORDINANCES CHAPTER 106 – TRAFFIC AND VEHICLES; AMENDING ARTICLE I. IN GENERAL.; AMENDING SECTION 106-1. DEFINITIONS; AMENDING SECTION 106-5. WRECKER AND TOWING SERVICES, VEHICLE REDEMPTION, MAXIMUM FEES; RENUMBERING PREEXISTING SECTION 106-6 TO SECTION 106-9; RENUMBERING PREEXISTING SECTION 106-7 TO SECTION 106-10; ESTABLISHING A NEW SECTION 106-4, SCOPE OF ARTICLE; ESTABLISHING A NEW SECTION 106-6, DISPLAY OF RATE SCHEDULE AND CUSTOMER BILL OF RIGHTS; ESTABLISHING A NEW SECTION 106-7, ENFORCEMENT; ESTABLISHING A NEW SECTION 106-8, WRECKER OPERATOR SYSTEM; AMENDING ARTICLE I. IN GENERAL TO ENHANCE ACCESSIBILITY; AND PROVIDING FOR SCOPE, AREA ENCOMPASSED, ENFORCEMENT, CONFLICTING PROVISIONS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, numerous firms and persons in Brevard County engage in the business of performing towing and recovery of motor vehicles; and

WHEREAS, towing companies have substantial interaction with the public and play an important role in clearing the County's roadways of wrecked vehicles and debris; and

WHEREAS, pursuant to section 125.0103(c), Florida Statutes, Brevard County must establish the maximum rates which may be charged for the non-consensual towing or immobilization of vehicles or vessels; and

WHEREAS, pursuant to section 125.0103(c), Florida Statutes, if a municipality chooses to enact an ordinance establishing the maximum rates for the non-consensual towing or immobilization of vehicles or vessels, Brevard County's ordinance shall not apply within such municipality; and

WHEREAS, Brevard County last updated the maximum rates charged for non-consensual towing or immobilization of vehicles or vessels on July 29, 2008, by Resolution 2008-150; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, now desires to update and set forth the schedule of fees and regulations as set forth herein; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida seeks to codify the schedule of fees in the Brevard County Code of Ordinances so that they are more accessible to the public; and

WHEREAS, pursuant to section 323.002, Florida Statutes, Brevard County is authorized to establish a wrecker operator system for the towing or removal of wrecked, disabled, or abandoned vehicles within its jurisdiction; and

WHEREAS, the Board of County Commissioners desires to establish a wrecker operator system and designate the Brevard County Sheriff's Office to administer the wrecker operator system through contracts with authorized wrecker operators; and

WHEREAS, the Board of County Commissioners further desires to amend the Code of Ordinances to facilitate access to individuals with disabilities by spelling out abbreviations and acronyms such as "§" to section and "F.S." to Florida Statutes; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strike through indicates deletions.~~

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated by reference into this Ordinance.

SECTION 2. Brevard County Code of Ordinances Chapter 106, Article I, Section 106-1 entitled "Definitions" is hereby amended to read as follows:

**Section 106-1. Definitions.**

The definitions applicable to ~~F.S. ch. 316~~chapter 316, Florida Statutes apply to this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Arterial road* has the same definition as found in ~~F.S. ch. 334~~chapter 334, Florida Statutes, as amended from time to time, but means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.

*Authorized wrecker operator* means any wrecker operator who has been designated by the Brevard County Sheriff's Office as part of the Brevard County wrecker operator system.

*Board* means the Board of County Commissioners of Brevard County, Florida.

*County* means Brevard County, Florida.

*Collector road* has the same definition as found in ~~F.S. ch. 334~~chapter 334, Florida Statutes as amended from time to time, but means a route providing service which is of

relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

*Crosswalk* has the same definition as found in ~~F.S. ch. 334~~ chapter 334, Florida Statutes, as amended from time to time, but means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs from the edges of the traversable roadway. This includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. This definition is as may be amended from time to time.

*Designated parking space* means any parking space posted with a sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both such symbol and caption.

*Disabled person* means any person with severe physical disability and having temporary or permanent mobility problems that substantially impair their ability to ambulate and who has been issued either a parking permit under ~~F.S. § 316.1958 or § 320.0848 or a license plate under F.S. § 320.084, § 320.0842, § 320.0843 or § 320.0845~~ sections 316.1958 or 320.0848, Florida Statutes or a license plate under sections 320.084, 320.0842, 320.0843, or 320.0845, Florida Statutes.

*Median* means paved or landscaped areas in the middle of roadways that separate motor vehicle traffic traveling in opposite directions.

*Motor vehicle* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive device, personal delivery device, swamp buggy, or moped.

*Obstruct traffic* means to walk, stand, sit, lie, or place any object or oneself in such a manner as to block the normal passage of another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact.

*Official signs* means any sign which is placed or erected by the authority of a public body having jurisdiction for the purpose of regulating traffic or parking.

*Off-ramp of Interstate 95* means the pavement constituting any marked exit from Interstate 95 by which vehicles leave the interstate, and includes a 150-foot setback buffer measured from the edge of pavement.

*On-ramp of Interstate 95* means the pavement providing access to Interstate 95 and includes a 150-foot setback buffer as measured from the edge of pavement.

*Pedestrian* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means any person afoot.

*Person* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means any natural person, firm, co-partnership, association, corporation, or any other legal entity.

*Public parking space* means any parking space on private property which the owner, lessee, or person in control of such property provides for use by members of the public other than employees of such owner, lessee or person, including, but not limited to, parking spaces at shopping centers, stores, offices, motels, malls, restaurants and marinas.

*Public street* means all portions of any public roadway normally available for use by motor vehicles, including turn lanes, marked bicycle lanes, and emergency stopping lanes, as well as all crosswalks, medians or traffic islands within such roadways. Public street shall not include sidewalks or other areas adjacent to the roadway.

*Sidewalk* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means the portion of a street between the curbline, or the lateral line, and the adjacent property lines, intended for use by pedestrians.

*Street or highway* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

*Traveled portion* includes travel lanes, turn lanes, and other portions of the public streets that are generally used for motor vehicle travel.

*Vehicle* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means every device in, upon, or by which any person or property is, or may be, transported upon a public street, bicycle path or lane, or entrance or exit ramp of interstate highways, including, but not limited to, cars, trucks, semi-trucks, vans, buses, motorcycles, mopeds, bicycles, and scooters.

*Vessel* has the same definition as found in chapter 715, Florida Statutes, as amended from time to time, but means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in section 327.02, Florida Statutes.

SECTION 3. A new section 106-4, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-4 Scope of Article.**

- (a) The provisions of this article and the relevant Florida Statutes shall be the exclusive regulations applicable to non-consensual towing, recovery, and removal of vehicles and vessels in Brevard County and all storage provided therewith. This article shall be applicable in both the unincorporated and incorporated areas, except that this article shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matters.
- (b) Nothing in this article shall be construed to prohibit the discharge or storage of a vehicle or vessel lawfully recovered, towed, or removed in another county and lawfully transported into Brevard County.

SECTION 4. Section 106-5 entitled "Wrecker and towing services, vehicles redemption, maximum fees" is hereby amended to read as follows:

**Section 106-5. Wrecker and towing services, vehicle redemption, maximum ~~fees~~ rates.**

- (a) ~~The board of county commissioners shall establish by resolution~~ hereby establishes the maximum ~~fees~~ rates as set forth below which may be charged on the non-consensual towing of vehicles or vessels from or immobilization of vehicles or vessels on public or private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. Such resolution may be amended from time to time, as required, to maintain maximum fees which are consistent with wrecking and towing services charged within the entire area of the county. For purposes of this section, non-consensual towing on public property means the (a) towing of vehicles from public property, (b) immobilization of vehicles on public property, (c) removal and storage of wrecked or disabled vehicles from an accident scene, and/or (d) removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle. For purposes of this section, non-consensual towing of a vehicle on private property means the towing or immobilization of a vehicle on private property without consent of the vehicle owner where such vehicle is parked or left on private real property without authorization of the property owner.

(1) The established and adopted maximum rates for the non-consensual towing of vehicles and vessels on public or private property are set forth as follows:

**CLASS "A" VEHICLES**

The removal of a vehicle with a gross vehicle weight less than or equal to 10,000



pounds or the removal of a vehicle carrying a vessel 15 feet or less in length.

<u>Maximum base rate</u>	<u>\$150.23</u>
<u>Mileage rate, per mile charge upon hook-up</u>	<u>\$ 4.10</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene after first thirty (30) minutes (billed by one-quarter hour)</u>	<u>\$ 99.05</u>
<u>Daily outside storage</u>	<u>\$ 29.98</u>
<u>Daily inside storage</u>	<u>\$ 37.52</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>
<u>Extra manpower</u>	<u>\$ 67.53</u>
<u>Service call not involving an actual tow</u>	<u>\$ 67.53</u>

#### **CLASS "B" VEHICLES**

The removal of a vehicle with a gross vehicle weight of 10,001 pounds to 20,000 pounds or the removal of a vehicle carrying a vessel more than 15 feet but less than 22 feet in length.

<u>Maximum base rate</u>	<u>\$262.64</u>
<u>Mileage rate, per mile charge upon hook-up</u>	<u>\$ 5.22</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene after first thirty (30) minutes (billed by one-quarter hour)</u>	<u>\$225.13</u>
<u>Daily outside storage</u>	<u>\$ 42.00</u>
<u>Daily inside storage</u>	<u>\$ 44.99</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>
<u>Extra manpower</u>	<u>\$ 112.57</u>
<u>Service call not involving an actual tow</u>	<u>\$ 97.54</u>

#### **CLASS "C" VEHICLES**

The removal of a vehicle with a gross vehicle weight of 20,001 pounds or more but less than or equal to 100,000 pounds or the removal of a vehicle carrying a vessel more than 22 feet in length.

<u>Maximum base rate</u>	<u>\$397.69</u>
<u>Mileage rate, per mile charge upon hook-up</u>	<u>\$ 7.06</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene after first thirty (30) minutes (billed by one-quarter hour)</u>	<u>\$329.92</u>
<u>Daily outside storage</u>	<u>\$ 86.88</u>
<u>Daily inside storage</u>	<u>\$ 70.52</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>

<u>Extra manpower</u>	<u>\$ 120.03</u>
<u>Service call not involving an actual tow</u>	<u>\$ 127.57</u>

#### **CLASS "D" VEHICLES**

The removal of a vehicle with a gross vehicle weight of 100,001 pounds or more (Truck tractor and semi-trailer considered one vehicle unless required to tow separately).

<u>Maximum base rate</u>	<u>\$600.36</u>
<u>Mileage rate, per mile charge upon hook-up</u>	<u>\$ 8.97</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene after first thirty (30) minutes (billed by one-quarter hour)</u>	<u>\$519.31</u>
<u>Daily outside storage</u>	<u>\$ 90.02</u>
<u>Daily inside storage</u>	<u>\$ 90.02</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>
<u>Extra manpower</u>	<u>\$ 120.04</u>
<u>Service call not involving an actual tow</u>	<u>\$ 127.57</u>

#### **(2) Towing of public entity vehicles.**

- a. A \$150.00 maximum rate shall be established for the towing of the following vehicles weighing 26,000 pounds or less: vehicles owned or operated by law enforcement on official business; vehicles seized, confiscated, or held for evidentiary purposes by law enforcement; and vehicles owned or operated by Brevard County or a municipality within Brevard County on official business. In these instances, no other charges shall apply.
- b. A \$300.00 maximum rate shall be established for the towing of the following vehicles weighing 26,001 pounds or more: vehicles owned or operated by law enforcement on official business; vehicles seized, confiscated, or held for evidentiary purposes by law enforcement; and vehicles owned or operated by Brevard County or a municipality within Brevard County on official business. In these instances, no other charges shall apply.

#### **(3) Separate charges.** The following separate charges may only be charged for Class B, C, and D vehicles.

a. <u>Removal of drive shaft</u>	<u>\$ 37.86</u>
b. <u>Air hook-up</u>	<u>\$ 37.86</u>
c. <u>Remove/pull axle</u>	<u>\$ 37.86</u>
d. <u>Remove bumper</u>	<u>\$ 37.86</u>

e. Remove air foils	\$ 37.86
f. Landoll trailer, semi, roll-back or drop back trailer or truck	\$262.64
g. Air bags (per hour – 4 hours minimum)	\$525.31

- (4) Storage fees. Pursuant to section 713.78, Florida Statutes, as amended from time to time, a storage fee shall not be charged if the vehicle is stored for fewer than six (6) hours. Storage fees shall be charged in twenty-four (24) hour increments and not in calendar days.
- (5) Service call-out. When a law enforcement agency requests a wrecker for a non-consensual tow and the tow truck operator is able to make repairs at the scene, making the vehicle drivable and not requiring the vehicle to be towed, the tow truck operator shall be entitled to charge the applicable service fee, plus labor and parts, if any.
- (6) Hourly rate for bona-fide extra equipment/labor time. When special circumstances have arisen, the amount of time that is reasonably needed above and beyond the initial thirty (30) minutes at the scene to safely effect the removal of a vehicle or its load from the scene of an accident or other incident requiring a tow. All special circumstances requiring additional equipment or time must be approved by the officer at the scene. Travel time shall not be included. Hourly rates may not be assessed for non-consensual towing of vehicles on private property.
- (7) Bona-fide waiting time. The actual time at the site of the vehicle to be towed consistent with the directions received to arrive at the scene and during which time the presence of the towing service has been requested, but, due to circumstances beyond the control of the towing service, work can not diligently commence to the vehicle. Travel time shall not be included. Waiting time may not be assessed for non-consensual towing of vehicles on private property.
- (8) Mileage rates. Mileage rates apply to miles traveled to and from the point of pickup. Mileage rates may not be assessed for non-consensual towing of vehicles on private property.
- (9) Access fee. An access fee, gate fee, or yard fee in the amount of \$69.75 may be charged for requests made by an owner or owner's legal representative to have access to the vehicle, other than during normal business hours, for the purpose of removing necessary personal property.
- (10) Administrative fee. A maximum of \$30.00 may be charged to the owner/driver of a vehicle towed or stored for the preparation, filing, or mailing of any forms required by Florida Statutes or local ordinance, if a vehicle is in storage for more than 24 hours. This paragraph does not apply to any action initiated by a wrecker operator to foreclose a lien recognized by Florida law. An additional \$37.13 only may be charged

if the wrecker operator has actually complied fully with all of the requirements of section 713.78, Florida Statutes, and shall apply only after 48 hours.

(11)Automatic rate adjustments. Effective January 1, 2023 and on January 1 of each subsequent year thereafter, the maximum rates established herein shall be automatically adjusted based on the actual percentage change in the Consumer Price Index as measured in accordance with section 193.155(1)(b), Florida Statutes, based on the average of the index from the previous twelve (12) months (December to December) or 3%, whichever is lower.

- (b) ~~Any vehicle removed and stored as a result of a nonconsensual tow from private property or where the owner or operator is incapacitated, unavailable or otherwise does not consent to the removal of the vehicle shall be released within one hour of a request to redeem the vehicle by the vehicle owner or authorized driver/agent per F.S. § 713.78. Tow truck companies who provide services pursuant to this section shall have posted prominently on the exterior of the storage facility and place of business, if different, a notice indicating a telephone number where the tow company can be reached at all times. This paragraph does not apply to removal and storage of wrecked or disabled vehicles from an accident scene. Pursuant to section 715.07, Florida Statutes, any vehicle or vessel towed or removed from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel, must be stored at a site within a 10-mile radius of the point of removal. In the event no towing business providing such service is located within the 10-mile radius, then any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal. The storage site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached for vehicle redemption at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the towing business shall have personnel return to the site within one hour.~~
- (c) ~~It shall be unlawful for any person to charge more than the maximum rate established by the county. Any person or tow company firm that charges more than the maximum rate established by resolution or fails to release the vehicle within one hour of a request pursuant to paragraph (2) of this section violates this section and is guilty of a violation, to be prosecuted in the same manner as misdemeanors are prosecuted and punishable as provided in F.S. § 125.69. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. Appropriate state, county or municipal law enforcement officers shall have authority to enforce the provisions of this section. Any person or firm providing towing services shall remove and clean up from~~

any street or highway any glass, debris, or other injurious substance deposited upon the street or highway from any wrecked, damaged, or disabled vehicle. Upon notification from a law enforcement agency that a site was not adequately cleaned up, the person or firm that performed the subject towing service shall promptly dispatch to clean the site.

SECTION 5. Preexisting Section 106-6, Brevard County Code of Ordinances, entitled "Emergency services limited access roadway obstructions at railway crossings" is hereby renumbered to Section 106-8.

**Section 106-69. Emergency services limited access roadway obstructions at railway crossings.**

[The remainder of this Section shall remain as previously adopted.]

SECTION 6. Preexisting Section 106-7, Brevard County Code of Ordinances, entitled "Operation of an ATV on certain roadways" is hereby renumbered to Section 106-10.

**Section 106-710. Operation of an ATV on certain roadways**

*(a) Definition.*

ATV means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger, as provided by F.S. § section 317.0003(1), Florida Statutes.

(b) *Exemption.* Pursuant to F.S. § section 316.2123(2), Florida Statutes, the county hereby exempts itself from F.S. § section 316.2123(1), Florida Statutes, which otherwise allows the operation of ATVs during the daytime on certain unpaved roadways where the posted speed limit is less than 35 miles per hour.

SECTION 7. A new section 106-6, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-6. Display of rate schedule and Customer Bill of Rights.**

(a) Persons or firms that provide towing services pursuant to this article shall display prominently at each storage facility their rate schedule. The rate schedule shall be posted prominently in the area designated for the vehicle or vessel owner or authorized driver or agent to redeem vehicles and transact business. Such area shall provide shelter, safety, and lighting adequate for the vehicle or vessel owner or authorized driver or agent to read the posted rate schedule. Further, notice shall be posted advising the vehicle or vessel owner or authorized driver or agent of the right to request and review a complete copy of the maximum rate schedule as established in section 106-5, Brevard County Code of Ordinances.

- (b) Customer Bill of Rights. Persons or firms that provide towing services pursuant to this article shall display prominently both indoors and outside the entrance at each storage facility a Customer Bill of Rights which shall include the following:
1. The current schedule of maximum rates as established in section 106-5, Brevard County Code of Ordinances.
  2. The normal business hours of the storage facility.
  3. The customer's right to retrieve a towed vehicle, even outside of normal business hours, within 1 hour of a telephone request to the towing company to open the site for retrieval pursuant to section 715.07, Florida Statutes, as may be amended, along with a telephone number at which the towing operator can be reached for such purpose at any time.
  4. A detailed receipt shall be issued to the payer at the time of the payment of fees, which shall specify the class of the vehicle towed and which shall itemize all separate charges, to include storage fees, mileage charges, and additional hourly costs.
- (c) If a towing company has a web site and/or social media presence, the Customer Bill of Rights including the current Schedule of Fees shall be published on the web site and/or social media in a location that is accessible for public view.

SECTION 8. A new section 106-7, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-7. – Enforcement.**

- (a) All consumer complaints directed to Brevard County concerning charges which exceed the maximum rates, failure to release a vehicle within one hour of a request, or other violations of this article or applicable state law governing towing services shall be referred to the law enforcement agency having jurisdiction for investigation and resolution.
- (b) The failure of a storage site operator to return to the site within one hour of receiving a telephoned request to redeem a vehicle or vessel constitutes a violation of section 715.07, Florida Statutes, as may be amended, and a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.
- (c) It shall be unlawful for any person or firm to charge more than the maximum rates for towing services established by the county. Any person or firm that charges more than the maximum rate established in section 106-5(a), Brevard County Code of Ordinances, is guilty of a violation, to be prosecuted in the same manner as misdemeanors are prosecuted and punishable as provided in section 125.69, Florida Statutes. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60

days or by both such fine and imprisonment.

- (d) Any person or firm providing towing services who fails to post the rate schedule or Customer Bill of Rights as required by section 106-6, Brevard County Code of Ordinances, is guilty of a violation, to be prosecuted in the same manner as misdemeanors are prosecuted and punishable as provided in section 125.69, Florida Statutes. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

SECTION 9. A new section 106-8, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-8. – Wrecker operator system.**

- (a) Pursuant to section 323.002, Florida Statutes, the Brevard County wrecker operator system, a system for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways, is hereby established.
- (b) The Brevard County Sheriff's Office shall administer the Brevard County wrecker operator system for the unincorporated areas of Brevard County and any municipalities in which the Brevard County Sheriff's Office provides law enforcement services.
- (c) The Sheriff's Office shall establish a method for apportioning the towing assignments among the authorized wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of those methods and is authorized to limit the number of wrecker operators participating in the wrecker operator system.
- (d) Each wrecker operator must make application to the Brevard County Sheriff's Office for inclusion in the wrecker operator system and demonstrate that their vehicles and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of Florida Highway Patrol for the size of the vehicle it is designed to handle.
- (e) A Brevard County Sheriff's Office representative shall investigate each application. The investigation will include the following: background checks; criminal history checks; driver's license status/record checks; and inspection of the applicant's wrecker(s), equipment and facilities. The investigator will, at the conclusion of his or her investigation, make a recommendation to the Sheriff or his designee in writing. The Sheriff or his designee will decide whether the wrecker operator is approved or denied inclusion on the wrecker rotation list.
- (f) Wrecker operators will be listed only once on each zone list and only in the name under which they are qualified under the provision of this rule and conducting business in this state. It is prohibited for a wrecker operator conducting business at one location to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating out of the same location or out of different locations within the same

zone. When two or more corporations are owned by the same individual, partnership or parent corporation, each may have a separate listing only when each has a separate location and different corporate officers. It is prohibited for two or more wrecker operators owned in whole or in part by the same individual, partnership or parent corporation to be included separately on the wrecker rotation list in the same zone.

1. Grandfathering. Nothing in this subsection (f) shall require the removal of a wrecker operator listing that existed prior to November 15, 2022, even if such listing violates one or more of the prohibitions against multiple listings provided herein.
2. Upon the removal of a grandfathered multiple listing from the wrecker rotation list for any reason, such listing shall not be reestablished in violation of this subsection (f).

(g) The Brevard County Sheriff's Office may remove wrecker operators, including those operating prior to November 15, 2022, from the authorized wrecker operator system based on failure to comply with this article, all Florida Statutes that govern towing, or upon material breach of the operator's contract with the Brevard County Sheriff's Office.

SECTION 10. The reserved sections which formerly began with Section 106-8 are amended as follows:

**Sections ~~106-811~~ --106-30. - Reserved.**

SECTION 11. Area encompassed. This article shall be applicable in both the unincorporated and incorporated areas, except that this article shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matters.

SECTION 12. Conflicting provisions. In the case of direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 13. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, clause, or phrase herein, is, for any reason, held to be invalid or unconstitutional, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, paragraphs, sentences, clauses, or phrases. Such remaining sections shall remain in effect, it being the intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 14. Inclusion in the Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Brevard County Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.



RESOLUTION No. 2008 – 150

**A RESOLUTION SETTING FORTH A SCHEDULE ESTABLISHING MAXIMUM FEES WHICH MAY BE CHARGED ON THE TOWING OF VEHICLES FROM OR IMMOBILIZATION OF VEHICLES ON PRIVATE PROPERTY, REMOVAL AND STORAGE OF WRECKED OR DISABLED VEHICLE FROM ACCIDENT SCENES FOR THE REMOVAL AND STORAGE OF VEHICLES, IN THE EVENT THE OWNER OR OPERATOR IS INCAPACITATED, UNAVAILABLE, LEAVES THE PROCUREMENT OF WRECKER SERVICE TO THE LAW ENFORCEMENT OFFICER AT THE SCENE, OR OTHERWISE DOES NOT CONSENT TO THE REMOVAL OF THE VEHICLE.**

**WHEREAS**, Section 106-5 of the Brevard County Code of Ordinances authorizes the establishment of fees to be charged by any Towing Service operating within the entire area of Brevard County; and

**WHEREAS**, the Board of County Commissioners of Brevard County, Florida has determined that the fees set forth herein are reasonable, and

**WHEREAS**, this Resolution provides for an annual increase of 3% or the published Consumer Price Index (CPI), which ever is lower, and

**WHEREAS**, the current CPI as of February 20, 2008 is at 5.2%, a rate increase of 3% is hereby warranted.

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

**Section 1. Establishment of Schedule of Fees.** The schedule of fees established and adopted maximum fees for towing of vehicles is set forth as follows:

**CLASS "A" WRECKERS**

For the removal of cars and light duty trucks and vehicles weighing 10,000 pounds gross vehicle weight or less.

MAXIMUM BASE RATE	\$ 114.23
MILEAGE RATE	\$ 3.12
FUEL SUR-CHARGE – per mile	\$ .50
HOURLY RATE – for waiting or working time on scene after first thirty (30) minutes (Billed by ¼ hr.)	\$ 75.32
DAILY OUTSIDE STORAGE	\$ 22.80

INSIDE STORAGE	\$ 28.53
TARPING (per tarp, size 8'x10')	\$ 17.11
EXTRA MANPOWER	\$ 51.35
SERVICE CALL NOT INVOLVING AN ACTUAL TOW	\$ 51.35
ADMINISTRATIVE FEE/NOTICE (Set by State Statute)	\$ 30.00

#### **CLASS "B" WRECKERS**

For removal of medium duty trucks or vehicles weighing 10,000 to 20,000 pounds gross vehicle weight.

MAXIMUM BASE RATE	\$ 199.71
MILEAGE RATE	\$ 3.97
FUEL SUR-CHARGE – per mile	\$ .50
HOUR RATE – for waiting or working time on scene after first thirty (30) minutes (Billed by ¼ hr.)	\$ 171.19
DAILY OUTSIDE STORAGE	\$ 31.94
INSIDE STORAGE	\$ 34.21
TARPING (per tarp, size 8'x10')	\$ 17.11
EXTRA MANPOWER	\$ 85.60
SERVICE CALL NOT INVOLVING ACTUAL TOW	\$ 74.17
ADMINISTRATIVE FEE/NOTICE (Set by State Statute)	\$ 30.00

#### **CLASS "C" WRECKERS**

For the removal of heavy-duty trucks, house trailers, buses, etc., weighing over 20,000 pounds gross vehicle weight.

MAXIMUM BASE RATE	\$ 302.40
MILEAGE RATE	\$ 5.37
FUEL SUR-CHARGE – per mile	\$ .50

HOURLY RATE – for waiting or working time on scene After first thirty (30) minutes (billed by ¼ hr.)	\$ 250.87
DAILY OUTSIDE STORAGE	\$ 66.06
INSIDE STORAGE	\$ 53.62
TARPING (per tarp, size 8'x10')	\$ 17.11
EXTRA MANPOWER	\$ 91.27
SERVICE CALL NOT INVOLVING AN ACTUAL TOW	\$ 97.00
ADMINISTRATIVE FEE/NOTICE (Set by State Statute)	\$ 30.00

#### **CLASS "D" WRECKERS**

For removal of heavy-duty trucks, buses, house trailers, etc., weighing 100,000 pounds gross vehicle weight.

MAXIMUM BASE RATE	\$ 456.51
MILEAGE RATE	\$ 6.82
FUEL SUR-CHARGE – per mile	\$ .50
HOURLY RATE – for waiting or working time on scene	\$ 394.88
DAILY OUTSIDE STORAGE	\$ 68.45
INSIDE STORAGE	\$ 68.45
TARPING (per tarp, size 8'x10')	\$ 17.11
EXTRA MANPOWER	\$ 91.28
ADMINISTRATIVE FEE/NOTICE (Set by State Statute)	\$ 30.00

#### **Section 2. SEPARATE CHARGES: (May only be charged for Class B, C, & D Wreckers)**

A.	REMOVAL OF DRIVE SHAFT	\$ 28.79
B.	AIR HOOK-UP	\$ 28.79
C.	REMOVE/PULL AXLE	\$ 28.79
D.	REMOVE BUMPER	\$ 28.79
E.	REMOVE AIR FOILS	\$ 28.79

- |    |  |          |
|----|--|----------|
| F. | LAN DOLL TRAILER – Semi roll back or drop-back trailer or truck. | \$199.71 |
| G. | AIR BAGS<br>(per hour - 4 hrs.minimum)                           | \$399.44 |

**Section 3. Storage fees.** No storage fees shall be charged if such vehicle is stored for less than six (6) hours (713.78 F.S.). Storage fees shall be charged on twenty-four (24) hour increments and not on calendar days.

**Section 4. Law enforcement.** Law Enforcement officials making calls to Towing Services to arrange for towing are encouraged to make such request in a manner that will minimize costs to consumers and to ensure that inordinate waiting times do not occur while Towing Service personnel are awaiting to perform their services at a scene at which such services are necessary.

**Section 5. Bona-Fide Extra Equipment/Labor Time.** When special circumstances have arisen, the amount of time that is reasonably needed above and beyond the initial thirty (30) minutes at the scene to safely effect the removal of a vehicle or its load from the scene of an accident or other incident requiring a tow. All special circumstances requiring additional equipment/time must be approved by the officer at the scene. Travel time shall not be included.

**Section 6. Bona-Fide Waiting Time.** The actual time at the site of the vehicle to be towed consistent with the directions received to arrive at the scene and during which time the presence of the Towing Service has been requested, but, due to circumstances beyond the control of the Towing Service, work can not diligently commence to the vehicle. Travel time shall not be included.

**Section 7. Mileage rates.** Mileage rates apply to miles traveled to and from point of pickup.

**Section 8. Collection of Fees and Charges.**

- A. The Towing Company providing service shall collect all fees.
- B. A detailed receipt shall be issued the payer at the time of the payment of fees, which shall specify the type of wrecker utilized (Class) and which shall itemize all separate charges, to include storage fees, mileage charges and additional hourly cost. A maximum of \$30.00 may be charged to owner/driver of a vehicle towed or stored for preparation, filing or mailing of any forms required by Florida Statutes, local ordinance or the Division, if a vehicle is in storage for more than 24 hours. This paragraph does not apply to any action initiated by a wrecker operator to foreclose a lien recognized by Florida law (321.02 F.S.). An additional \$37.13 only may be charged if the towing company has actually complied fully with all of the requirements of F.S. § 713.78, and shall apply only after 48 hours.

**Section 9. Access fee.** After hours, weekend or holiday, an access fee of \$53.04 may be charged should it become necessary for the Towing Service personnel to respond to open the business to allow personal property to be removed from the vehicle or a vehicle to be released outside normal business hours. Normal business hours are considered to be Monday through Friday, 8:00 a.m. to

5:00 p.m.; excluding State legal holidays. Per Florida Statute 715.07 (2) (a) 1.a., towing companies engaged in private property towing must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m. Upon receipt of a phone request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour as required by Section 106-5, Code of Ordinances of Brevard County, Florida. Appropriate state, county or municipal law enforcement officers shall have authority to enforce the provisions of this section

**Section 10. Consumer complaints.** All consumer complaints directed to Brevard County concerning excessive charges or violations of this resolution or Chapter 106-5 of the Brevard County Code of Ordinances shall be referred for investigation and resolution by the law enforcement agency having jurisdiction.

**Section 11. Increase in Rates.** All towing companies working under this resolution may be entitled to an annual increase of 3% or the published Consumer Price Index (CPI), whichever is lower, with the approval of the Board of County Commissioners.

**Section 12. Service call-out.** When a law enforcement officer requests a wrecker for a non-consensual tow and the tow truck operator is able to make repairs at the scene, making the vehicle drivable and not requiring the vehicle to be towed, the tow truck operator shall be entitled to the applicable service fee, plus labor and parts, if any.

**Section 13. Schedule of Fees.** The schedule of fees as established herein may be amended or repealed, in whole or in part, by resolution of the Board of County Commissioners of Brevard County, Florida, when required to support the adequate rendition of the services provided for Chapter (106), Article (1), Code of Brevard County, Florida.

**Section 14. Effective Date.** This Resolution shall take effect on July 29, 2008.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Truman Scarborough., Chairman

As approved by the Board of County  
Commissioners on July 29, 2008, 2008

# County Tow Rates

Year Updated	Brevard County	D3 Compromise	% Increase	Seminole County	Volusia County	Orange County	Polk County
Class A (Up to 10,000 lbs)	2008			2021	2009	2014	2013
Maximum Base Rate	\$114.23	\$117.66	3%	\$125.00	\$125.00	\$125.00	\$120.00
Mileage Rate	\$3.12	\$3.21	3%	\$3.00 <sup>1</sup>	\$3.00 <sup>1</sup>	\$3.00	\$5.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$75.32	\$77.58	3%	\$60.00 <sup>2</sup>	\$100.00	\$125.00 <sup>7</sup>	\$100.00 <sup>9</sup>
Daily Outside Storage (per day)	\$22.80	\$23.48	3%	\$25.00 <sup>5</sup>	\$20.00	\$25.00	\$25.00
Daily Inside Storage (per day)	\$28.53	\$29.39	3%	\$25.00 <sup>5</sup>	\$25.00	\$25.00	\$25.00
Tarping (per tarp)	\$17.11	\$17.62	3%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$51.35	\$52.89	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$55.00
Non-Tow Service Call Fee	\$51.35	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.90	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$45.00 <sup>8</sup>
Additional Admin fee after 48 hours	\$37.13	\$38.24	3%	\$45.00 <sup>3</sup>	Actual Costs	\$45.00 <sup>3</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$54.63	3%	\$30.00	\$35.00	\$0.00 <sup>6</sup>	\$50.00

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$15 per 15 min block after 30 min. (Seminole)
- <sup>3</sup> allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$31.25 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location

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County Tow Rates						
Year Updated	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County
2008				2021	2009	2014
Class B (10,001 lbs to 19,499 lbs)						
Maximum Base Rate	\$199.71	\$205.70	3%	\$250.00	\$250.00	\$250.00
Mileage Rate	\$3.97	\$4.09	3%	\$4.00 <sup>1</sup>	\$4.00 <sup>1</sup>	\$4.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$171.19	\$176.33	3%	\$120.00 <sup>2</sup>	\$200.00 <sup>2</sup>	\$250.00 <sup>7</sup>
Daily Outside Storage (per day)	\$31.94	\$32.90	3%	\$50.00 <sup>5</sup>	\$25.00	\$35.00
Daily Inside Storage (per day)	\$34.21	\$35.24	3%	\$50.00 <sup>5</sup>	\$30.00	\$35.00
Tarping (per tarp)	\$17.11	\$17.62	3%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>
Extra Manpower (per hour)	\$85.60	\$88.17	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Non-Tow Service Call Fee	\$74.17	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.90	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Additional Admin fee after 48 hours	\$37.13	\$38.24	3%	\$45.00 <sup>3</sup>	actual costs	\$45.00 <sup>3</sup>
Removal of drive shaft	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air hook-up	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$54.63	3%	upto \$30.00	\$35.00	\$0.00 <sup>5</sup>
						\$50.00

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$30.00 per 15 min block after 30 min
- <sup>3</sup> can be charged after the first 48 hours of storage and allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$62.50 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location



County Tow Rates							
	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County	Polk County
Year Updated	2008			2021	2009	2014	2013
Class C (19,500 lbs to 24,999 lbs)							
Maximum Base Rate	\$302.40	\$311.47	3%	\$375.00	\$375.00	\$375.00	\$400.00
Mileage Rate	\$5.37	\$5.53	3%	\$5.00	\$5.00 <sup>1</sup>	\$5.00	\$7.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$250.87	\$258.40	3%	\$180.00 <sup>2</sup>	\$300.00 <sup>2</sup>	\$375.00 <sup>7</sup>	\$340.00 <sup>9</sup>
Daily Outside Storage (per day)	\$66.06	\$68.04	3%	\$75.00 <sup>5</sup>	\$60.00	\$60.00	\$60.00
Daily Inside Storage (per day)	\$53.62	\$55.23	3%	\$75.00 <sup>5</sup>	\$55.00	\$60.00	\$60.00
Tarpling	\$17.11	\$17.62	3%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$91.27	\$94.01	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$55.00
Non-Tow Service Call Fee	\$97.00	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.90	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$45.00 <sup>8</sup>
Additional Admin Fee after 48 hours	\$37.13	\$38.24	3%	\$45.00 <sup>3</sup>	actual costs	\$45.00 <sup>3</sup>	\$0.00 <sup>6</sup>
Removal of drive shaft	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air hook-up	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$54.63	3%	up to \$30.00	\$35.00	\$0.00 <sup>6</sup>	\$50.00

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$45 per 15 min block after 30 min
- <sup>3</sup> can be charged after the first 48 hours of storage and allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$93.75 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location



# County Tow Rates

Year Updated	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County	Polk County
2008				2021	2009	2014	2013
Class D (Over 25,000 lbs)							
Maximum Base Rate	\$456.51	\$470.21	3%	\$500.00	\$500.00	\$500.00	\$500.00
Mileage Rate	\$6.82	\$7.02	3%	\$6.00	\$6.00 <sup>1</sup>	\$6.00	\$7.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$394.88	\$406.73	3%	\$240.00 <sup>2</sup>	\$400.00 <sup>2</sup>	\$500.00 <sup>7</sup>	\$340.00 <sup>9</sup>
Daily Outside Storage (per day)	\$68.45	\$70.50	3%	\$100.00 <sup>5</sup>	\$60.00	\$60.00	\$60.00
Daily Inside Storage (per day)	\$68.45	\$70.50	3%	\$100.00 <sup>5</sup>	\$55.00	\$60.00	\$60.00
Tarping	\$17.11	\$17.62	3%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$91.28	\$94.02	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$55.00
Non-tow service call fee	\$97.00	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.90	3%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$45.00 <sup>8</sup>
Admin Fee after 48 hours	\$37.13	\$38.24	3%	\$45.00 <sup>3</sup>	actual cost	\$45.00 <sup>3</sup>	\$0.00 <sup>6</sup>
Removal of drive shaft	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air hook-up	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$0.00	removed	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$54.63	3%	up to \$30.00	\$35.00	\$0.00 <sup>6</sup>	\$50.00
Other New Fees/Notes							
Rate Increase: Effective January 1 2023, fees shall increase annually in accordance with CPI or 3% whichever is lower							

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$60 per 15 min block after 30 min
- <sup>3</sup> allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$125.00 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location

# County Tow Rates

Year Updated	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County	Polk County
2008				2021	2009	2014	2013
Class A (Up to 10,000 lbs)							
Maximum Base Rate	\$114.23	\$150.23	32%	\$125.00	\$125.00	\$125.00	\$120.00
Mileage Rate	\$3.12	\$4.10	31%	\$3.00 <sup>1</sup>	\$3.00 <sup>1</sup>	\$3.00	\$5.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>
Hourly Rate	\$75.32	\$99.05	32%	\$60.00 <sup>2</sup>	\$100.00	\$125.00 <sup>7</sup>	\$100.00 <sup>9</sup>
Daily Outside Storage (per day)	\$22.80	\$29.98	31%	\$25.00 <sup>5</sup>	\$20.00	\$25.00	\$25.00
Daily Inside Storage (per day)	\$28.53	\$37.52	32%	\$25.00 <sup>5</sup>	\$25.00	\$25.00	\$25.00
Tarping (per tarp)	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$51.35	\$67.53	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$55.00
Non-Tow Service Call Fee	\$51.35	\$67.53	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>9</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$45.00 <sup>8</sup>
Additional Admin fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	Actual Costs	\$45.00 <sup>3</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	\$30.00	\$35.00	\$0.00 <sup>5</sup>	\$50.00

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- per full extra mile, after first 10 miles
- \$15 per 15 min block after 30 min. (Seminole)
- allows for the adding of cost of mailings
- flat fee, not per tarp
- may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- prohibited by ordinance
- ordinance stated \$31.25 per 15 minutes, after first 30 minutes on scene
- plus \$10 per certified letter after 4 business days, not to exceed \$75
- charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location

County Tow Rates						
	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County
Year Updated	2008			2021	2009	2014
Class B (10,001 lbs to 19,499 lbs)						
Maximum Base Rate	\$199.71	\$262.64	32%	\$250.00	\$250.00	\$250.00
Mileage Rate	\$3.97	\$5.22	31%	\$4.00 <sup>1</sup>	\$4.00 <sup>1</sup>	\$4.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$171.19	\$225.13	32%	\$120.00 <sup>2</sup>	\$200.00 <sup>2</sup>	\$250.00 <sup>7</sup>
Daily Outside Storage (per day)	\$31.94	\$42.00	31%	\$50.00 <sup>5</sup>	\$25.00	\$35.00
Daily Inside Storage (per day)	\$34.21	\$44.99	32%	\$50.00 <sup>5</sup>	\$30.00	\$35.00
Tarping (per tarp)	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>
Extra Manpower (per hour)	\$85.60	\$112.57	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Non-Tow Service Call Fee	\$74.17	\$97.54	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Additional Admin fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	actual costs	\$45.00 <sup>3</sup>
Removal of drive shaft	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air hook-up	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$262.64	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$525.31	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	upto \$30.00	\$35.00	\$0.00 <sup>5</sup>
						\$50.00

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$30.00 per 15 min block after 30 min
- <sup>3</sup> can be charged after the first 48 hours of storage and allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$62.50 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location



County Tow Rates							
	Brevard County	D4 Proposal	% Increase	Seminole County 2021	Volusia County 2009	Orange County 2014	Polk County 2013
Year Updated	2008			2021	2009	2014	2013
Class C (19,500 lbs to 24,999 lbs)							
Maximum Base Rate	\$302.40	\$397.69	32%	\$375.00	\$375.00	\$375.00	\$400.00
Mileage Rate	\$5.37	\$7.06	31%	\$5.00	\$5.00 <sup>1</sup>	\$5.00	\$7.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>5</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$250.87	\$329.92	32%	\$180.00 <sup>2</sup>	\$300.00 <sup>2</sup>	\$375.00 <sup>7</sup>	\$340.00 <sup>9</sup>
Daily Outside Storage (per day)	\$66.06	\$86.88	32%	\$75.00 <sup>5</sup>	\$60.00	\$60.00	\$60.00
Daily Inside Storage (per day)	\$53.62	\$70.52	32%	\$75.00 <sup>5</sup>	\$55.00	\$60.00	\$60.00
Tarping	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$91.27	\$120.03	32%	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$55.00
Non-Tow Service Call Fee	\$97.00	\$127.57	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$45.00 <sup>8</sup>
Additional Admin Fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	actual costs	\$45.00 <sup>3</sup>	\$0.00 <sup>5</sup>
Removal of drive shaft	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Air hook-up	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Removal/pull axle	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Remove bumper	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Remove air foils	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$262.64	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Air Bags (per hour)	\$399.44	\$525.31	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	up to \$30.00	\$35.00	\$0.00 <sup>5</sup>	\$50.00

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$45 per 15 min block after 30 min
- <sup>3</sup> can be charged after the first 48 hours of storage and allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$93.75 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location

# County Tow Rates

Year Updated	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County	Polk County
2008				2021	2009	2014	2013
<b>Class D (Over 25,000 lbs)</b>							
Maximum Base Rate	\$456.51	\$600.36	32%	\$500.00	\$500.00	\$500.00	\$500.00
Mileage Rate	\$6.82	\$8.97	32%	\$6.00	\$6.00 <sup>1</sup>	\$6.00	\$7.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$394.88	\$519.31	32%	\$240.00 <sup>2</sup>	\$400.00 <sup>2</sup>	\$500.00 <sup>7</sup>	\$340.00 <sup>9</sup>
Daily Outside Storage (per day)	\$68.45	\$90.02	32%	\$100.00 <sup>5</sup>	\$60.00	\$60.00	\$60.00
Daily Inside Storage (per day)	\$68.45	\$90.02	32%	\$100.00 <sup>5</sup>	\$55.00	\$60.00	\$60.00
Tarping	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$91.28	\$120.04	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$55.00
Non-tow service call fee	\$97.00	\$127.57	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$45.00 <sup>8</sup>
Admin Fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	actual cost	\$45.00 <sup>3</sup>	\$0.00 <sup>6</sup>
Removal of drive shaft	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air hook-up	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$262.64	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$525.31	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	up to \$30.00	\$35.00	\$0.00 <sup>6</sup>	\$50.00
<b>Other New Fees/Notes</b>							
Rate Increase: Effective January 1 2023, fees shall increase annually in accordance with CPI or 3% whichever is lower							

- per full extra mile, after first 10 miles
- \$60 per 15 min block after 30 min
- allows for the adding of cost of mailings
- flat fee, not per tarp
- may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- prohibited by ordinance
- ordinance stated \$125.00 per 15 minutes, after first 30 minutes on scene
- plus \$10 per certified letter after 4 business days, not to exceed \$75
- charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location

County Tow Rates						
Year Updated	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County
2008				2021	2009	2014
Class A (Up to 10,000 lbs)						
Maximum Base Rate	\$114.23	\$150.23	32%	\$125.00	\$125.00	\$125.00
Mileage Rate	\$3.12	\$4.10	31%	\$3.00 <sup>1</sup>	\$3.00 <sup>1</sup>	\$5.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Hourly Rate	\$75.32	\$99.05	32%	\$60.00 <sup>2</sup>	\$100.00	\$125.00 <sup>7</sup>
Daily Outside Storage (per day)	\$22.80	\$29.98	31%	\$25.00 <sup>5</sup>	\$20.00	\$25.00
Daily Inside Storage (per day)	\$28.53	\$37.52	32%	\$25.00 <sup>5</sup>	\$25.00	\$25.00
Tarping (per tarp)	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$51.35	\$67.53	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$55.00
Non-Tow Service Call Fee	\$51.35	\$67.53	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$45.00 <sup>8</sup>
Additional Admin fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	Actual Costs	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	\$30.00	\$35.00	\$50.00 <sup>5</sup>

<sup>1</sup> per full extra mile, after first 10 miles  
<sup>2</sup> \$15 per 15 min block after 30 min. (Seminole)  
<sup>3</sup> allows for the adding of cost of mailings  
<sup>4</sup> flat fee, not per tarp  
<sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)  
<sup>6</sup> prohibited by ordinance  
<sup>7</sup> ordinance stated \$31.25 per 15 minutes, after first 30 minutes on scene  
<sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75  
<sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location



County Tow Rates						
	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County
Year Updated	2008			2021	2009	2014
Class B (10,001 lbs to 19,499 lbs)						
Maximum Base Rate	\$199.71	\$262.64	32%	\$250.00	\$250.00	\$250.00
Mileage Rate	\$3.97	\$5.22	31%	\$4.00 <sup>1</sup>	\$4.00 <sup>1</sup>	\$6.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$171.19	\$225.13	32%	\$120.00 <sup>2</sup>	\$200.00 <sup>2</sup>	\$250.00 <sup>7</sup>
Daily Outside Storage (per day)	\$31.94	\$42.00	31%	\$50.00 <sup>5</sup>	\$25.00	\$35.00
Daily Inside Storage (per day)	\$34.21	\$44.99	32%	\$50.00 <sup>5</sup>	\$30.00	\$35.00
Tarping (per tarp)	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>
Extra Manpower (per hour)	\$85.60	\$112.57	32%	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Non-Tow Service Call Fee	\$74.17	\$97.54	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Additional Admin fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	actual costs	\$45.00 <sup>3</sup>
Removal of drive shaft	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air hook-up	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$262.64	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$525.31	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	upto \$30.00	\$35.00	\$0.00 <sup>6</sup>
						\$50.00

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$30.00 per 15 min block after 30 min
- <sup>3</sup> can be charged after the first 48 hours of storage and allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$62.50 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location

County Tow Rates						
Year Updated	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County
2008				2021	2009	2014
Class C (19,500 lbs to 24,999 lbs)						
Maximum Base Rate	\$302.40	\$397.69	32%	\$375.00	\$375.00	\$375.00
Mileage Rate	\$5.37	\$7.06	31%	\$5.00	\$5.00 <sup>1</sup>	\$5.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$250.87	\$329.92	32%	\$180.00 <sup>2</sup>	\$300.00 <sup>2</sup>	\$375.00 <sup>7</sup>
Daily Outside Storage (per day)	\$66.06	\$86.88	32%	\$75.00 <sup>5</sup>	\$60.00	\$60.00
Daily Inside Storage (per day)	\$53.62	\$70.52	32%	\$75.00 <sup>5</sup>	\$55.00	\$60.00
Tarping	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>
Extra Manpower (per hour)	\$91.27	\$120.03	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Non-Tow Service Call Fee	\$97.00	\$127.57	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Additional Admin Fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	actual costs	\$45.00 <sup>3</sup>
Removal of drive shaft	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air hook-up	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$262.64	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$525.31	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	up to \$30.00	\$35.00	\$0.00 <sup>6</sup>
						\$50.00

- <sup>1</sup> per full extra mile, after first 10 miles
- <sup>2</sup> \$45 per 15 min block after 30 min
- <sup>3</sup> can be charged after the first 48 hours of storage and allows for the adding of cost of mailings
- <sup>4</sup> flat fee, not per tarp
- <sup>5</sup> may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- <sup>6</sup> prohibited by ordinance
- <sup>7</sup> ordinance stated \$93.75 per 15 minutes, after first 30 minutes on scene
- <sup>8</sup> plus \$10 per certified letter after 4 business days, not to exceed \$75
- <sup>9</sup> charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location



# County Tow Rates

Year Updated	Brevard County	D4 Proposal	% Increase	Seminole County	Volusia County	Orange County	Polk County
2008				2021	2009	2014	2013
<b>Class D (Over 25,000 lbs)</b>							
Maximum Base Rate	\$456.51	\$600.36	32%	\$500.00	\$500.00	\$500.00	\$500.00
Mileage Rate	\$6.82	\$8.97	32%	\$6.00	\$6.00 <sup>1</sup>	\$6.00	\$7.00
Fuel Sur-Charge (per mile)	\$0.50	\$0.66	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Hourly Rate	\$394.88	\$519.31	32%	\$240.00 <sup>2</sup>	\$400.00 <sup>2</sup>	\$500.00 <sup>7</sup>	\$340.00 <sup>9</sup>
Daily Outside Storage (per day)	\$68.45	\$90.02	32%	\$100.00 <sup>5</sup>	\$60.00	\$60.00	\$60.00
Daily Inside Storage (per day)	\$68.45	\$90.02	32%	\$100.00 <sup>5</sup>	\$55.00	\$60.00	\$60.00
Tarping	\$17.11	\$22.50	32%	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$15.00 <sup>4</sup>	\$25.00 <sup>4</sup>
Extra Manpower (per hour)	\$91.28	\$120.04	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$55.00
Non-tow service call fee	\$97.00	\$127.57	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Administrative Fee/Notice	\$30.00	\$30.00	0%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$45.00 <sup>8</sup>
Admin Fee after 48 hours	\$37.13	\$37.13	0%	\$45.00 <sup>3</sup>	actual cost	\$45.00 <sup>3</sup>	\$0.00 <sup>6</sup>
Removal of drive shaft	\$28.79	\$37.86	32%	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>5</sup>
Air hook-up	\$28.79	\$37.86	32%	\$0.00 <sup>5</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Removal/pull axle	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>5</sup>	\$0.00 <sup>6</sup>
Remove bumper	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Remove air foils	\$28.79	\$37.86	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Landoll trailer, semi, rollback/dropback	\$199.71	\$262.64	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Air Bags (per hour)	\$399.44	\$525.31	32%	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>	\$0.00 <sup>6</sup>
Access/gate/yard fee after hours	\$53.04	\$69.75	32%	up to \$30.00	\$35.00	\$0.00 <sup>6</sup>	\$50.00
<b>Other New Fees/Notes</b>							
Rate Increase: Effective January 1 2023, fees shall increase annually in accordance with CPI or 3% whichever is lower							

- per full extra mile, after first 10 miles
- \$60 per 15 min block after 30 min
- allows for the adding of cost of mailings
- flat fee, not per tarp
- may be assessed after the initial non-free period based on 24 hr increments (non-consensual tow: 6 hr non-free period)
- prohibited by ordinance
- ordinance stated \$125.00 per 15 minutes, after first 30 minutes on scene
- plus \$10 per certified letter after 4 business days, not to exceed \$75
- charged in 15 minute increments after first 30 minutes on scene and ending when tow truck driver commences his or her return to storage location

## District 3 Compromise

### 1. ADA accessibility: 10<sup>th</sup> Whereas Clause, Page 2

- a. WHEREAS, the Board of County Commissioners further desires to amend the Code of Ordinances to facilitate access to individuals with disabilities by spelling out abbreviations and acronyms such as “§” to section and “F.S.” to Florida Statutes

### 2. CPI adjustment:

- a. Provide a one-time 3% CPI adjustment to the tow rates in Resolution 2008-150, less the fees mentioned in part 3 (prohibited fees)

### 3. Prohibited fees:

- a. Eliminate all of the fees which are expressly prohibited in our four neighboring counties (see ‘Prohibited Fee Language in Neighboring Counties handout), which include:
  - i. Fuel surcharge per mile, non-tow service call fee, removal of drive shaft, air hook-up, removal/pull axle, remove bumper, remove air foils, landoll trailer, semi, rollback/dropback, and air bags.

### 4. Public entity vehicles: Section 106-5(2), Page 7

- a. Keep maximums for public entity vehicles operating under official business

#### (2) Towing of public entity vehicles.

a. A \$150.00 maximum rate shall be established for the towing of the following vehicles weighing 26,000 pounds or less: vehicles owned or operated by law enforcement on official business; vehicles seized, confiscated, or held for evidentiary purposes by law enforcement; and vehicles owned or operated by Brevard County or a municipality within Brevard County on official business. In these instances, no other charges shall apply.

b. A \$300.00 maximum rate shall be established for the towing of the following vehicles weighing 26,001 pounds or more: vehicles owned or operated by law enforcement on official business; vehicles seized, confiscated, or held for evidentiary purposes by law enforcement; and vehicles owned or operated by Brevard County or a municipality within Brevard County on official business. In these instances, no other charges shall apply.

CS-reject

**5. Wrecker Operator System: Section 106-8, Page 12**

- a. Creates uniform and accessible guidelines for wrecker operators within the County, in which the Sheriff is in support
- b. Language correction:
  - i. States "the Sheriff or his designee..."
  - ii. This should be changed to his or her

Section 106-8. – Wrecker operator system.

(a) Pursuant to section 323.002, Florida Statutes, the Brevard County wrecker operator system, a system for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways, is hereby established.

(b) The Brevard County Sheriff's Office shall administer the Brevard County wrecker operator system for the unincorporated areas of Brevard County and any municipalities in which the Brevard County Sheriff's Office provides law enforcement services.

(c) The Sheriff's Office shall establish a method for apportioning the towing assignments among the authorized wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of those methods and is authorized to limit the number of wrecker operators participating in the wrecker operator system.

(d) Each wrecker operator must make application to the Brevard County Sheriff's Office for inclusion in the wrecker operator system and demonstrate that their vehicles and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of Florida Highway Patrol for the size of the vehicle it is designed to handle.

(e) A Brevard County Sheriff's Office representative shall investigate each application. The investigation will include the following: background checks; criminal history checks; driver's license status/record checks; and inspection of the applicant's wrecker(s), equipment and facilities. The investigator will, at the conclusion of his or her investigation, make a recommendation to the Sheriff or his designee in writing. The Sheriff or his designee will decide whether the wrecker operator is approved or denied inclusion on the wrecker rotation list.

(f) Wrecker operators will be listed only once on each zone list and only in the name under which they are qualified under the provision of this rule and conducting business in this state. It is prohibited for a wrecker operator conducting business at one location to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating out of the same location or out of different locations within the same zone. When two or more corporations are owned by the same individual, partnership or parent corporation, each may have a separate listing only when each has a separate location and different corporate officers. It is prohibited for two or more wrecker operators owned in whole or in part by the same individual, partnership or parent corporation to be included separately on the wrecker rotation list in the same zone.



1. Grandfathering. Nothing in this subsection (f) shall require the removal of a wrecker operator listing that existed prior to November 15, 2022, even if such listing violates one or more of the prohibitions against multiple listings provided herein.

2. Upon the removal of a grandfathered multiple listing from the wrecker rotation list for any reason, such listing shall not be reestablished in violation of this subsection (f).

(g) The Brevard County Sheriff's Office may remove wrecker operators, including those operating prior to November 15, 2022, from the authorized wrecker operator system based on failure to comply with this article, all Florida Statutes that govern towing, or upon material breach of the operator's contract with the Brevard County Sheriff's Office.

**6. Mileage Rates: Section 106-5(a)(8), Page 8**

a. Amend language to:

Mileage rates apply to actual miles traveled to and from the point of pickup, or the round-trip distance between the wrecker operator's nearest place of business and the point of pickup, whichever is less.

**7. Service Call-out: Section 106-5(a)(5), Page 8**

a. Add "reasonable" prior to "labor and parts" language

(5) *Service call-out.* When a law enforcement agency requests a wrecker for a non-consensual tow and the tow truck operator is able to make repairs at the scene, making the vehicle drivable and not requiring the vehicle to be towed, the tow truck operator shall be entitled to charge the applicable service fee, plus reasonable labor and parts, if any.

**8. Language Correction: Section 106-5(1), Page 12**

**CLASS "B" VEHICLES**

The removal of a vehicle with a gross vehicle weight of 10,001 pounds to 20,000 pounds or the removal of a vehicle carrying a vessel more than 15 feet but 22 feet or less ~~less than 22 feet~~ in length.

**CLASS "C" VEHICLES**

The removal of a vehicle with a gross vehicle weight of 20,001 pounds or more but less than or equal to 100,000 pounds or the removal of a vehicle carrying a vessel more than 22 feet in length.

## PROHIBITED FEE LANGUAGE IN NEIGHBORING COUNTIES

### Orange County

(b) No additional fees or charges shall be made for special equipment or services, including but not limited to double hook-up; vehicle entry when locked; dropping transmission linkage; axle or drive shaft removal; dollies; trailer or flat bed; lifts; slim jims; go jacks; removing bumpers; airing up brakes; mileage; fuel charge; copying the vehicle registration or other documents; providing copies of towing statute (F.S. § 715.07); returning to the location where the vehicle is stored in order to release the vehicle; gate fees or fees for entering storage facility; fees for driving the vehicle out of the storage facility; additional fees for towing a tractor trailer, which shall be considered the tow of one (1) vehicle; or an additional fee for towing motor vehicles carrying other vehicles (boats, cars, trucks, aircraft, tractors, heavy equipment, ATVs, or motorcycles) that are securely attached, which shall be considered part of that vehicle's load.

### Polk County

**SECTION 5: is hereby amended to read as follows:** "It shall be unlawful and a violation of this ordinance for any Tow Truck Operator to impose or attempt to impose any charges not described in Section 3 of this ordinance, or to impose or attempt to impose charges in excess of the Maximum Rates for Nonconsensual Towing Services established by resolution. Any person who violates this ordinance shall be prosecuted in accordance with Florida Statute Section 125.69. Any ordinance violator shall immediately return the illegally imposed charges to the aggrieved owner, lessee, or agent. A repeat violator with two violations in any twelve (12) month period shall be removed from the Polk County Sheriff's call out list for a period of sixty (60) days. A violator with three (3) or more violations in any eighteen (18) month period shall be removed from the Polk County Sheriff's call out list for a period of one (1) year. In addition to the foregoing, a Tow Truck Operator who imposes or attempts to impose charges in violation of this ordinance or the resolution establishing maximum rates shall be liable to the owner, lessee or agent of the vehicle for damages equaling the amount the Tow Truck Operator imposed or attempted to impose, any damage to the vehicle resulting directly or indirectly from the removal, transportation or storage of the vehicle, and the court costs and attorneys fees incurred by the owner, lessee, or agent of the vehicle in protecting their rights thereunder."

### Seminole County

(d) The maximum rates established in paragraph (a) above must be a flat fee which must be all-inclusive and, by way of illustration, no additional charges may be imposed for:

- (1) Access fees to allow the owner or the owner's representative to remove personal property or examine the vehicle;
- (2) Fuel surcharge fees;
- (3) Release fees during normal business hours (Monday – Friday, 8:00 a.m. – 6:00 p.m.).

(g) It is unlawful for a towing service to make or assess additional charges or fees for any special equipment or services, including but not limited to, double hook up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, dollies, trailer or flat bed, lifts, slim jims, go jacks, removing bumpers, or airing up brakes.

## **Volusia County**

(c) The maximum rates established in subsection (a) above shall be a flat fee which shall be all-inclusive and, by way of illustration, no additional charges shall be made for:

(1) Any fees for special equipment or services such as double hook-up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, dollies, trailer or flat bed, lifts, slim jims, go jacks, removing bumpers, airing up brakes, and mileage, other than those specified in the rate schedule;

(2) Time spent at the scene of the tow, other than those specified in the rate schedule;

(3) release fees during normal business hours (Monday – Friday, 8:00 a.m. – 6:00 p.m.);

(4) Access fees to allow the owner or the owner's representative to remove personal property or to examine the vehicle;

(5) Yard fees, set-out fees, or gate fees for allowing the owner or any tow company designated by the owner or his insurance company to take custody of and remove the vehicle from the impound area;

(6) Fuel surcharge fees;

(7) Storage for the first six hours.

H. L.  
Morris

**ORDINANCE NO. 2022-\_\_\_\_\_**

AN ORDINANCE AMENDING BREVARD COUNTY CODE OF ORDINANCES CHAPTER 106 – TRAFFIC AND VEHICLES; AMENDING ARTICLE I. IN GENERAL.; AMENDING SECTION 106-1. DEFINITIONS; AMENDING SECTION 106-5. WRECKER AND TOWING SERVICES, VEHICLE REDEMPTION, MAXIMUM FEES; RENUMBERING PREEXISTING SECTION 106-6 TO SECTION 106-9; RENUMBERING PREEXISTING SECTION 106-7 TO SECTION 106-10; ESTABLISHING A NEW SECTION 106-4, SCOPE OF ARTICLE; ESTABLISHING A NEW SECTION 106-6, DISPLAY OF RATE SCHEDULE AND CUSTOMER BILL OF RIGHTS; ESTABLISHING A NEW SECTION 106-7, ENFORCEMENT; ESTABLISHING A NEW SECTION 106-8, WRECKER OPERATOR SYSTEM; AMENDING ARTICLE I. IN GENERAL TO ENHANCE ACCESSIBILITY; AND PROVIDING FOR SCOPE, AREA ENCOMPASSED, ENFORCEMENT, CONFLICTING PROVISIONS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, numerous firms and persons in Brevard County engage in the business of performing towing and recovery of motor vehicles; and

WHEREAS, towing companies have substantial interaction with the public and play an important role in clearing the County's roadways of wrecked vehicles and debris; and

WHEREAS, pursuant to section 125.0103(c), Florida Statutes, Brevard County must establish the maximum rates which may be charged for the non-consensual towing or immobilization of vehicles or vessels; and

WHEREAS, pursuant to section 125.0103(c), Florida Statutes, if a municipality chooses to enact an ordinance establishing the maximum rates for the non-consensual towing or immobilization of vehicles or vessels, Brevard County's ordinance shall not apply within such municipality; and

WHEREAS, Brevard County last updated the maximum rates charged for non-consensual towing or immobilization of vehicles or vessels on July 29, 2008, by Resolution 2008-150; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, now desires to update and set forth the schedule of fees and regulations as set forth herein; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida seeks to codify the schedule of fees in the Brevard County Code of Ordinances so that they are more accessible to the public; and

WHEREAS, pursuant to section 323.002, Florida Statutes, Brevard County is authorized to establish a wrecker operator system for the towing or removal of wrecked, disabled, or abandoned vehicles within its jurisdiction; and

WHEREAS, the Board of County Commissioners desires to establish a wrecker operator system and designate the Brevard County Sheriff's Office to administer the wrecker operator system through contracts with authorized wrecker operators; and

WHEREAS, the Board of County Commissioners further desires to amend the Code of Ordinances to facilitate access to individuals with disabilities by spelling out abbreviations and acronyms such as "\$" to section and "F.S." to Florida Statutes; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Underline indicates additions.

~~Strike-through indicates deletions.~~

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated by reference into this Ordinance.

SECTION 2. Brevard County Code of Ordinances Chapter 106, Article I, Section 106-1 entitled "Definitions" is hereby amended to read as follows:

**Section 106-1. Definitions.**

The definitions applicable to ~~F.S. ch. 316~~ chapter 316, Florida Statutes apply to this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Arterial road* has the same definition as found in ~~F.S. ch. 334~~ chapter 334, Florida Statutes, as amended from time to time, but means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road.

*Authorized wrecker operator* means any wrecker operator who has been designated by the Brevard County Sheriff's Office as part of the Brevard County wrecker operator system.

*Board* means the Board of County Commissioners of Brevard County, Florida.

*County* means Brevard County, Florida.

*Collector road* has the same definition as found in ~~F.S. ch. 334~~ chapter 334, Florida Statutes as amended from time to time, but means a route providing service which is of



relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

*Crosswalk* has the same definition as found in ~~F.S. ch. 334~~ chapter 334, Florida Statutes, as amended from time to time, but means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs from the edges of the traversable roadway. This includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. This definition is as may be amended from time to time.

*Designated parking space* means any parking space posted with a sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both such symbol and caption.

*Disabled person* means any person with severe physical disability and having temporary or permanent mobility problems that substantially impair their ability to ambulate and who has been issued either a parking permit under ~~F.S. § 316.1958 or § 320.0848~~ or a license plate under ~~F.S. § 320.084, § 320.0842, § 320.0843 or § 320.0845~~ sections 316.1958 or 320.0848, Florida Statutes or a license plate under sections 320.084, 320.0842, 320.0843, or 320.0845, Florida Statutes.

*Median* means paved or landscaped areas in the middle of roadways that separate motor vehicle traffic traveling in opposite directions.

*Motor vehicle* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive device, personal delivery device, swamp buggy, or moped.

*Obstruct traffic* means to walk, stand, sit, lie, or place any object or oneself in such a manner as to block the normal passage of another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact.

*Official signs* means any sign which is placed or erected by the authority of a public body having jurisdiction for the purpose of regulating traffic or parking.

*Off-ramp of Interstate 95* means the pavement constituting any marked exit from Interstate 95 by which vehicles leave the interstate, and includes a 150-foot setback buffer measured from the edge of pavement.

*On-ramp of Interstate 95* means the pavement providing access to Interstate 95 and includes a 150-foot setback buffer as measured from the edge of pavement.

*Pedestrian* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means any person afoot.

*Person* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means any natural person, firm, co-partnership, association, corporation, or any other legal entity.

*Public parking space* means any parking space on private property which the owner, lessee, or person in control of such property provides for use by members of the public other than employees of such owner, lessee or person, including, but not limited to, parking spaces at shopping centers, stores, offices, motels, malls, restaurants and marinas.

*Public street* means all portions of any public roadway normally available for use by motor vehicles, including turn lanes, marked bicycle lanes, and emergency stopping lanes, as well as all crosswalks, medians or traffic islands within such roadways. Public street shall not include sidewalks or other areas adjacent to the roadway.

*Sidewalk* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means the portion of a street between the curbline, or the lateral line, and the adjacent property lines, intended for use by pedestrians.

*Street or highway* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic.

*Traveled portion* includes travel lanes, turn lanes, and other portions of the public streets that are generally used for motor vehicle travel.

*Vehicle* has the same definition as found in ~~F.S. ch. 316~~ chapter 316, Florida Statutes, as amended from time to time, but means every device in, upon, or by which any person or property is, or may be, transported upon a public street, bicycle path or lane, or entrance or exit ramp of interstate highways, including, but not limited to, cars, trucks, semi-trucks, vans, buses, motorcycles, mopeds, bicycles, and scooters.

*Vessel* has the same definition as found in chapter 715, Florida Statutes, as amended from time to time, but means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in section 327.02, Florida Statutes.

SECTION 3. A new section 106-4, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-4 Scope of Article.**

- (a) The provisions of this article and the relevant Florida Statutes shall be the exclusive regulations applicable to non-consensual towing, recovery, and removal of vehicles and vessels in Brevard County and all storage provided therewith. This article shall be applicable in both the unincorporated and incorporated areas, except that this article shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matters.
- (b) Nothing in this article shall be construed to prohibit the discharge or storage of a vehicle or vessel lawfully recovered, towed, or removed in another county and lawfully transported into Brevard County.

SECTION 4. Section 106-5 entitled "Wrecker and towing services, vehicles redemption, maximum fees" is hereby amended to read as follows:

**Section 106-5. Wrecker and towing services, vehicle redemption, maximum feesrates.**

- (a) ~~The board of county commissioners shall establish by resolution~~ hereby establishes the maximum fees rates as set forth below which may be charged on the non-consensual towing of vehicles or vessels from or immobilization of vehicles or vessels on public or private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. Such resolution may be amended from time to time, as required, to maintain maximum fees which are consistent with wrecking and towing services charged within the entire area of the county. For purposes of this section, non-consensual towing on public property means the (a) towing of vehicles from public property, (b) immobilization of vehicles on public property, (c) removal and storage of wrecked or disabled vehicles from an accident scene, and/or (d) removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle. For purposes of this section, non-consensual towing of a vehicle on private property means the towing or immobilization of a vehicle on private property without consent of the vehicle owner where such vehicle is parked or left on private real property without authorization of the property owner.

(1) The established and adopted maximum rates for the non-consensual towing of vehicles and vessels on public or private property are set forth as follows:

**CLASS "A" VEHICLES**

The removal of a vehicle with a gross vehicle weight less than or equal to 10,000

pounds or the removal of a vehicle carrying a vessel 15 feet or less in length.

<u>Maximum base rate</u>	<u>\$150.23</u>
<u>Mileage rate, <del>per mile charge upon hook-up</del></u>	<u>\$ 4.10</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene</u> <u>after first thirty (30) minutes (billed by one-<del>quarter-half</del> hour)</u>	<u>\$ 99.05</u>
<u>Daily outside storage</u>	<u>\$ 29.98</u>
<u>Daily inside storage</u>	<u>\$ 37.52</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>
<u>Extra manpower</u>	<u>\$ 67.53</u>
<u>Service call not involving an actual tow</u>	<u>\$ 67.53</u>

#### **CLASS "B" VEHICLES**

The removal of a vehicle with a gross vehicle weight of 10,001 pounds to 20,000 pounds or the removal of a vehicle carrying a vessel more than 15 feet but less than 22 feet in length.

<u>Maximum base rate</u>	<u>\$262.64</u>
<u>Mileage rate, <del>per mile charge upon hook-up</del></u>	<u>\$ 5.22</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene</u> <u>after first thirty (30) minutes (billed by one-<del>quarter-half</del> hour)</u>	<u>\$225.13</u>
<u>Daily outside storage</u>	<u>\$ 42.00</u>
<u>Daily inside storage</u>	<u>\$ 44.99</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>
<u>Extra manpower</u>	<u>\$ 112.57</u>
<u>Service call not involving an actual tow</u>	<u>\$ 97.54</u>

#### **CLASS "C" VEHICLES**

The removal of a vehicle with a gross vehicle weight of 20,001 pounds or more but less than or equal to ~~10080~~,000 pounds or the removal of a vehicle carrying a vessel more than 22 feet in length.

<u>Maximum base rate</u>	<u>\$397.69</u>
<u>Mileage rate, <del>per mile charge upon hook-up</del></u>	<u>\$ 7.06</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene</u> <u>after first thirty (30) minutes (billed by one-<del>quarter-half</del> hour)</u>	<u>\$329.92</u>
<u>Daily outside storage</u>	<u>\$ 86.88</u>
<u>Daily inside storage</u>	<u>\$ 70.52</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>

<u>Extra manpower</u>	<u>\$ 120.03</u>
<u>Service call not involving an actual tow</u>	<u>\$ 127.57</u>

#### **CLASS "D" VEHICLES**

The removal of a vehicle with a gross vehicle weight of ~~10080~~,001 pounds or more, or when a rotator tow truck is required as confirmed by law enforcement (Truck tractor and semi-trailer considered one vehicle unless required to tow separately).

<u>Maximum base rate</u>	<u>\$600.36</u>
<u>Mileage rate, <del>per mile charge upon hook-up</del></u>	<u>\$ 8.97</u>
<u>Fuel surcharge (per mile)</u>	<u>\$ 0.66</u>
<u>Hourly rate (for waiting or working time on scene after first thirty (30) minutes (billed by one <del>quarter-half</del> hour)</u>	<u>\$519.31</u>
<u>Daily outside storage</u>	<u>\$ 90.02</u>
<u>Daily inside storage</u>	<u>\$ 90.02</u>
<u>Tarping (per tarp, size 8' x 10')</u>	<u>\$ 22.50</u>
<u>Extra manpower</u>	<u>\$ 120.04</u>
<u>Service call not involving an actual tow</u>	<u>\$ 127.57</u>

#### ~~(2) Towing of public entity vehicles.~~

~~a. A \$150.00 maximum rate shall be established for the towing of the following vehicles weighing 26,000 pounds or less: vehicles owned or operated by law enforcement on official business; vehicles seized, confiscated, or held for evidentiary purposes by law enforcement; and vehicles owned or operated by Brevard County or a municipality within Brevard County on official business. In these instances, no other charges shall apply.~~

~~b.a. A \$300.00 maximum rate shall be established for the towing of the following vehicles weighing 26,001 pounds or more: vehicles owned or operated by law enforcement on official business; vehicles seized, confiscated, or held for evidentiary purposes by law enforcement; and vehicles owned or operated by Brevard County or a municipality within Brevard County on official business. In these instances, no other charges shall apply.~~

#### ~~(32) Separate charges.~~ The following separate charges may only be charged for Class B, C, and D vehicles.

<u>a. Removal of drive shaft</u>	<u>\$ 37.86</u>
<u>b. Air hook-up</u>	<u>\$ 37.86</u>
<u>c. Remove/pull axle</u>	<u>\$ 37.86</u>



d. Remove bumper	\$ 37.86
e. Remove air foils	\$ 37.86
f. Landoll trailer, semi, roll-back or drop back trailer or truck	\$262.64
g. Air bags (per hour – 4 hours minimum)	\$525.31 ✓

(43) Storage fees. Pursuant to section 713.78, Florida Statutes, as amended from time to time, a storage fee shall not be charged if the vehicle is stored for fewer than six (6) hours. Storage fees shall be charged in twenty-four (24) hour increments and not in calendar days.

(54) Service call-out. When a law enforcement agency requests a wrecker for a non-consensual tow and the tow truck operator is able to make repairs at the scene, making the vehicle drivable and not requiring the vehicle to be towed, the tow truck operator shall be entitled to charge the applicable service fee, plus labor and parts, if any.

(65) Hourly rate for bona-fide extra equipment/labor time. When special circumstances have arisen, the amount of time that is reasonably needed above and beyond the initial thirty (30) minutes at the scene to safely effect the removal of a vehicle or its load from the scene of an accident or other incident requiring a tow. All special circumstances requiring additional equipment or time must be approved by the officer at the scene. Travel time shall not be included. ~~Hourly rates may not be assessed for non-consensual towing of vehicles on private property.~~

(76) Bona-fide waiting time. The actual time at the site of the vehicle to be towed consistent with the directions received to arrive at the scene and during which time the presence of the towing service has been requested, but, due to circumstances beyond the control of the towing service, work can not diligently commence to the vehicle. Travel time shall not be included. Waiting time may not be assessed for non-consensual towing of vehicles on private property.

(87) Mileage rates. Mileage rates apply to miles traveled to and from the point of pickup. ~~Mileage rates may not be assessed for non-consensual towing of vehicles on private property.~~

(98) Access fee. An access fee, gate fee, or yard fee in the amount of \$69.75 may be charged for requests made by an owner or owner's legal representative to have access to the vehicle, other than during normal business hours, for the purpose of removing necessary personal property.

(109) Administrative fee. A maximum of \$30.00 may be charged to the owner/driver of a vehicle towed or stored for the preparation, filing, or mailing of any forms required by Florida Statutes or local ordinance, if a vehicle is in storage for more than 24 hours.

upon  
hook-up

This paragraph does not apply to any action initiated by a wrecker operator to foreclose a lien recognized by Florida law and such additional administrative fee as may be authorized by section 713.78, Florida Statutes. An additional \$37.13 only may be charged if the wrecker operator has actually complied fully with all of the requirements of section 713.78, Florida Statutes, and shall apply only after 48 hours.

(1110) Automatic rate adjustments. Effective January 1, 2023 and on January 1 of each subsequent year thereafter, the maximum rates established herein shall be automatically adjusted based on the actual percentage change in the Consumer Price Index as measured in accordance with section 193.155(1)(b), Florida Statutes, based on the average of the index from the previous twelve (12) months (December to December) or 3%, whichever is lower.

Comps back to the  
Board annually

- (b) ~~Any vehicle removed and stored as a result of a nonconsensual tow from private property or where the owner or operator is incapacitated, unavailable or otherwise does not consent to the removal of the vehicle shall be released within one hour of a request to redeem the vehicle by the vehicle owner or authorized driver/agent per F.S. § 713.78. Tow truck companies who provide services pursuant to this section shall have posted prominently on the exterior of the storage facility and place of business, if different, a notice indicating a telephone number where the tow company can be reached at all times. This paragraph does not apply to removal and storage of wrecked or disabled vehicles from an accident scene. Pursuant to section 715.07, Florida Statutes, any vehicle or vessel towed or removed from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel, must be stored at a site within a 10-mile radius of the point of removal. In the event no towing business providing such service is located within the 10-mile radius, then any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal. The storage site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached for vehicle redemption at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the towing business shall have personnel return to the site within one hour.~~
- (c) ~~It shall be unlawful for any person to charge more than the maximum rate established by the county. Any person or tow company firm that charges more than the maximum rate established by resolution or fails to release the vehicle within one hour of a request pursuant to paragraph (2) of this section violates this section and is guilty of a violation, to be prosecuted in the same manner as misdemeanors are prosecuted and punishable as provided in F.S. § 125.69. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the~~



~~county jail not to exceed 60 days or by both such fine and imprisonment. Appropriate state, county or municipal law enforcement officers shall have authority to enforce the provisions of this section. Any person or firm providing towing services shall remove and clean up from any street or highway any glass, debris, or other injurious substance deposited upon the street or highway from any wrecked, damaged, or disabled vehicle. Upon notification from a law enforcement agency that a site was not adequately cleaned up, the person or firm that performed the subject towing service shall promptly dispatch to clean the site.~~

SECTION 5. Preexisting Section 106-6, Brevard County Code of Ordinances, entitled "Emergency services limited access roadway obstructions at railway crossings" is hereby renumbered to Section 106-8.

**Section 106-69. Emergency services limited access roadway obstructions at railway crossings.**

[The remainder of this Section shall remain as previously adopted.]

SECTION 6. Preexisting Section 106-7, Brevard County Code of Ordinances, entitled "Operation of an ATV on certain roadways" is hereby renumbered to Section 106-10.

**Section 106-710. Operation of an ATV on certain roadways**

(a) *Definition.*

ATV means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger, as provided by F.S. § section 317.0003(1), Florida Statutes.

(b) *Exemption.* Pursuant to F.S. § section 316.2123(2), Florida Statutes, the county hereby exempts itself from F.S. § section 316.2123(1), Florida Statutes, which otherwise allows the operation of ATVs during the daytime on certain unpaved roadways where the posted speed limit is less than 35 miles per hour.

SECTION 7. A new section 106-6, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-6. Display of rate schedule and Customer Bill of Rights.**

(a) Persons or firms that provide towing services pursuant to this article shall display prominently at each storage facility their rate schedule. The rate schedule shall be posted prominently in the area designated for the vehicle or vessel owner or authorized driver or agent to redeem vehicles and transact business. Such area shall provide shelter, safety, and lighting adequate for the vehicle or vessel owner or authorized driver or agent to read the posted rate schedule. Further, notice shall be posted advising



the vehicle or vessel owner or authorized driver or agent of the right to request and review a complete copy of the maximum rate schedule as established in section 106-5, Brevard County Code of Ordinances.

- (b) Customer Bill of Rights. Persons or firms that provide towing services pursuant to this article shall display prominently both indoors and outside the entrance at each storage facility a Customer Bill of Rights which shall include the following:
1. The current schedule of maximum rates as established in section 106-5, Brevard County Code of Ordinances.
  2. The normal business hours of the storage facility.
  3. The customer's right to retrieve a towed vehicle, even outside of normal business hours, within 1 hour of a telephone request to the towing company to open the site for retrieval pursuant to section 715.07, Florida Statutes, as may be amended, along with a telephone number at which the towing operator can be reached for such purpose at any time.
  4. A detailed receipt shall be issued to the payer at the time of the payment of fees, which shall specify the class of the vehicle towed and which shall itemize all separate charges, to include storage fees, mileage charges, and additional hourly costs.
- (c) If a towing company has a web site and/or social media presence, the Customer Bill of Rights including the current Schedule of Fees shall be published on the web site and/or social media in a location that is accessible for public view.

SECTION 8. A new section 106-7, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-7. – Enforcement.**

- (a) All consumer complaints directed to Brevard County concerning charges which exceed the maximum rates, failure to release a vehicle within one hour of a request, or other violations of this article or applicable state law governing towing services shall be referred to the law enforcement agency having jurisdiction for investigation and resolution.
- (b) The failure of a storage site operator to return to the site within one hour of receiving a telephoned request to redeem a vehicle or vessel constitutes a violation of section 715.07, Florida Statutes, as may be amended, and a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.
- (c) It shall be unlawful for any person or firm to charge more than the maximum rates for towing services established by the county. Any person or firm that charges more than the maximum rate established in section 106-5(a), Brevard County Code of Ordinances, is guilty of a violation, to be prosecuted in the same manner as misdemeanors are

prosecuted and punishable as provided in section 125.69, Florida Statutes. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

- (d) Any person or firm providing towing services who fails to post the rate schedule or Customer Bill of Rights as required by section 106-6, Brevard County Code of Ordinances, is guilty of a violation, to be prosecuted in the same manner as misdemeanors are prosecuted and punishable as provided in section 125.69, Florida Statutes. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

SECTION 9. A new section 106-8, Brevard County Code of Ordinances, is hereby created to read as follows:

**Section 106-8. – Wrecker operator system.**

- (a) Pursuant to section 323.002, Florida Statutes, the Brevard County wrecker operator system, a system for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways, is hereby established.
- (b) The Brevard County Sheriff's Office shall administer the Brevard County wrecker operator system for the unincorporated areas of Brevard County and any municipalities in which the Brevard County Sheriff's Office provides law enforcement services.
- (c) The Sheriff's Office shall establish a method for apportioning the towing assignments among the authorized wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of those methods and is authorized to limit the number of wrecker operators participating in the wrecker operator system.
- (d) Each wrecker operator must make application to the Brevard County Sheriff's Office for inclusion in the wrecker operator system and demonstrate that their vehicles and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of Florida Highway Patrol for the size of the vehicle it is designed to handle.
- (e) A Brevard County Sheriff's Office representative shall investigate each application. The investigation will include the following: background checks; criminal history checks; driver's license status/record checks; and inspection of the applicant's wrecker(s), equipment and facilities. The investigator will, at the conclusion of his or her investigation, make a recommendation to the Sheriff or his designee in writing. The Sheriff or his designee will decide whether the wrecker operator is approved or denied inclusion on the wrecker rotation list.
- (f) Wrecker operators will be listed only once on each zone list and only in the name under

which they are qualified under the provision of this rule and conducting business in this state. It is prohibited for a wrecker operator conducting business at one location to receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating out of the same location or out of different locations within the same zone. When two or more corporations are owned by the same individual, partnership or parent corporation, each may have a separate listing only when each has a separate location and different corporate officers. It is prohibited for two or more wrecker operators owned in whole or in part by the same individual, partnership or parent corporation to be included separately on the wrecker rotation list in the same zone.

1. Grandfathering. Nothing in this subsection (f) shall require the removal of a wrecker operator listing that existed prior to November 15, 2022, even if such listing violates one or more of the prohibitions against multiple listings provided herein.
2. Upon the removal of a grandfathered multiple listing from the wrecker rotation list for any reason, such listing shall not be reestablished in violation of this subsection (f).

(g) The Brevard County Sheriff's Office may remove wrecker operators, including those operating prior to November 15, 2022, from the authorized wrecker operator system based on failure to comply with this article, all Florida Statutes that govern towing, or upon material breach of the operator's contract with the Brevard County Sheriff's Office.

SECTION 10. The reserved sections which formerly began with Section 106-8 are amended as follows:

**Sections 106-~~811~~ --106-30. - Reserved.**

SECTION 11. Area encompassed. This article shall be applicable in both the unincorporated and incorporated areas, except that this article shall not apply in any municipality that has adopted and maintains in effect ordinances or regulations governing the same matters.

SECTION 12. Conflicting provisions. In the case of direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 13. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, clause, or phrase herein, is, for any reason, held to be invalid or unconstitutional, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, paragraphs, sentences, clauses, or phrases. Such remaining sections shall remain in effect, it being the intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 14. Inclusion in the Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Brevard County Code

of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 15. Effective date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. Unless specified otherwise, this ordinance shall take effect immediately upon adoption and filing as provided by law.

DONE, ORDERED AND ADOPTED, in regular session, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

BY: \_\_\_\_\_  
Rachel Sadoff, Clerk

BY: \_\_\_\_\_  
Kristine Zonka, Chair  
(as approved by the Board on \_\_\_\_\_)

( S E A L )