

3/25/2021 CATI-5

**RESOLUTION NUMBER R-2021 - 59**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING THE MAXIMUM PRICES AND CERTAIN RESTRICTIONS RELATED TO NONCONSENSUAL TOWING AND STORAGE SERVICES IN ESCAMBIA COUNTY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Escambia County Board of County Commissioners recognizes the need to regulate the maximum prices imposed for nonconsensual towing and storage service in Escambia County; and

**WHEREAS**, the Board of County Commissioners is authorized to set maximum prices for nonconsensual towing and storage pursuant to Sections 125.0103(1)(b)-(c) and 715.07(2)(b), Florida Statutes and by Escambia County Ordinance 2009-11;

**WHEREAS**, the Board of County Commissioners previously adopted Resolution 2009-63, which initially established the maximum prices for nonconsensual towing and storage services in Escambia County; and

**WHEREAS**, it has been concluded by the Board of County Commissioners that in order to provide adequately for the health, safety, and welfare of the citizens of Escambia County, it is appropriate to adopt a resolution amending the maximum prices and certain restrictions related to nonconsensual towing and storage services is in the public interest.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. RECITALS.**

The above recitals are hereby incorporated into this Resolution.

**SECTION 2. DEFINITIONS.**

For purposes of this Resolution, these terms have the following meanings:

*Bona-fide extra labor time:* Based on special circumstances, the amount of time, at the scene, in

Date: 3/25/2021 Verified By: 

excess of fifteen (15) minutes that is reasonably necessary 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 must be approved by the law enforcement officer on the scene.

*Bona-fide waiting time:* The actual time at the site of the vehicle to be towed when the towing service is prevented from working to effect the removal due to circumstances beyond its control. No travel time may be included.

*Nonconsensual towing:* The removal and storage of wrecked or disabled vehicles from an accident scene or the removal and storage of vehicles in the event the owner is incapacitated, unavailable, leaves the procurement of a towing service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle, excepting trespass tows as defined by this Resolution.

*Normal wrecker service:* Normal vehicle hook-up and minor debris cleanup that does not generally take longer than fifteen (15) minutes to complete. Evidence of customary local service times and practices may be introduced to establish whether a particular incident constitutes normal wrecking service.

*Tow:* To haul, carry, pull along, or otherwise transport or remove a vehicle, vessel, or trailer by means of another vehicle.

*Towing service:* Any person, company, corporation or other entity, whether licensed or not, who engages in or owns or operates a business which engages, in whole or in part, in the towing or removal of motor vehicles, vessels, or trailers for compensation.

*Trespass towing:* Towing or removal of a vehicle, without the consent of the vehicle's owner or operator, as authorized by Section 715.07, Florida Statutes, when that vehicle is parked on private real property.

**SECTION 3. MAXIMUM RATES FOR TOWING AND STORAGE.**

Pursuant to Escambia County Ordinance 2009-11, the maximum rates for nonconsensual towing services and storage of the following classes of vehicles are hereby amended as follows:

**(a) Class A Vehicles** (gross vehicle weight of 10,000 pounds or less or vessel or trailer 15 feet or less in length):

Trespass tow: \$150.00 flat rate for any normal wrecker service not involving special circumstances.

Nonconsensual tow: \$150.00 flat rate for any normal wrecker service not involving special circumstances.

Nonconsensual or trespass tow, per full extra mile over ten (10) miles: \$5.00 per mile. This charge shall only apply to towing services performed exclusively in the unincorporated areas of Escambia County.

Nonconsensual tow, bona-fide waiting time or extra labor time in excess of thirty (30) minutes at scene: \$37.50 per .25 hours (15 minutes).

Storage rate for trespass or nonconsensual tow: \$40.00 per day.

**(b) Class B Vehicles** (gross vehicle weight of 10,000 or more pounds but less than 20,000 pounds or vessel or trailer greater than 15 feet but less than 30 feet in length):

Trespass tow: \$250.00 base rate for any normal wrecker service not involving special circumstances.

Nonconsensual tow: \$250.00 base rate for tow of ten (10) miles or less.

Nonconsensual or trespass tow, per full extra mile over ten (10) miles: \$6.00 per mile.

Nonconsensual tow, bona-fide waiting time or extra labor time in excess of thirty (30) minutes at scene: \$62.50 per .25 hours (15 minutes).

Storage rate for trespass or nonconsensual tow: \$50.00 per day.

**(c) Class C Vehicles** (gross vehicle weight of 20,000 or more pounds but less than 58,000 pounds or vessel or trailer greater than 30 feet in length):

Trespass tow: \$350.00 base rate for any normal wrecker service not involving special circumstances.

Nonconsensual tow: \$350.00 base rate for tow of ten (10) miles or less.

Nonconsensual or trespass tow, per full extra mile over ten (10) miles: \$7.00 per mile.

Nonconsensual tow, bona-fide waiting time or extra labor time in excess of thirty (30) minutes at scene: \$87.50 per .25 hours (15 minutes).

Storage rate for trespass or nonconsensual tow: \$60.00 per day.

**(d) Class D Vehicles** (gross vehicle weight of 58,000 or more pounds):

Trespass tow: \$450.00 base rate for any normal wrecker service not involving special circumstances.

Nonconsensual tow: \$450.00 base rate for tow of ten (10) miles or less.

Nonconsensual or trespass tow, per full extra mile over ten (10) miles: \$8.00 per mile.

Nonconsensual tow, bona-fide waiting time or extra labor time in excess of thirty (30) minutes at scene: \$112.50 per .25 hours (15 minutes).

Storage rate for trespass or nonconsensual tow: \$70.00 per day

**(e) Retrieval prior to nonconsensual tow.** When the owner of the vehicle to be towed, or an authorized driver or agent, arrives at the scene prior to the vehicle being removed or towed from the property, the vehicle shall be disconnected from the tow truck and the owner shall be allowed to remove the vehicle without interference upon payment of a reasonable service fee of not more than one-half of the rate set by this resolution for the particular vehicle class.

**SECTION 4. MAXIMUM RATES FOR ADDITIONAL CHARGES RELATED TO NONCONSENSUAL OR TRESPASS TOWING.**

Pursuant to Escambia County Ordinance 2009-11, if a towing service is able to provide an itemized and detailed description of using the following equipment, and can show that such use was necessary to complete a nonconsensual or trespass tow, the towing service or business may impose a charge not to exceed the following amended rates:

(a) *Use of additional trucks for assistance.* A rate equal to 80.0% of the rate established under Section 2 of this Resolution for each additional truck.

(b) *Extra manpower:* \$75.00 per man-hour.

(c) *Deployed air bags by towing service:* \$2,000.00 flat rate.

(d) *Landoll trailer (semi rollback or drop back trailer):* \$350.00 per hour used.

(e) *Removal and replacement of driveshaft, axles, air hookup, secure load, etc., to prepare vehicle for towing:* May be billed at the extra labor rate established for the class of vehicle, vessel, or trailer by Section 2 of this Resolution.

(f) *Specialized equipment such as forklifts and loaders, hazardous material cleanup, underwater recovery, maintenance of traffic, etc.:* May be billed at the prevailing markets rates for the towing service industry.

(g) *Fuel Surcharge:* A towing service may assess a fuel surcharge of not more than 5.0% for every \$0.25 over \$3.00 per gallon, to be calculated using the total bill price excluding any storage or administrative fee. The fuel price shall be determined by reference to the weekly report prepared for the Gulf Coast area by the United States Energy Information Administration.

**SECTION 5. MAXIMUM RATES FOR ADDITIONAL CHARGES RELATED TO NONCONSENSUAL OR TRESPASS STORAGE.**

Pursuant to Escambia County Ordinance 2009-11, if a towing service stores a vehicle as a result

of a nonconsensual tow or trespass tow, the towing service may impose charges not to exceed the following amended rates:

**(a) Gate fees.** An after-hours gate fee may be charged in an amount of not more than \$50.00 between the hours of 5:00 p.m. and 8:00 a.m. for any day that a person may seek to retrieve a vehicle, including all day on weekends and holidays. However, a gate fee may not be charged for the retrieval of prescription medicine or medical devices.

**(b) Storage fees.** (1) A towing service may not impose any charges, other than those established by this resolution, for services rendered during the first six (6) hours that the vehicle is in possession of the towing service for trespass and nonconsensual tows, beginning from the time that the vehicle was delivered to a storage facility maintained by the towing service.

(2) A towing service may impose a storage fee established by this resolution based on twenty-four hour increments rather than calendar days after the vehicle is in possession of the towing service for the first six (6) hours for nonconsensual tows and trespass tows, beginning from the time that the vehicle was delivered to a storage facility maintained by the towing service.

(3) A towing service may impose an administrative fee of \$50.00 plus actual cost (i.e. certified mail, record search, or advertising), provided that the towing service has complied with the requirements of Section 713.78, Florida Statutes.

**(c) Tarpaulin fees.** A towing service may impose a fee of \$30.00 if the towing service finds it necessary to install and maintain tarpaulin coverage on any stored vehicle in order to protect the vehicle from damage from inclement weather.

#### **SECTION 6. ANNUAL CONSUMER PRICE INDEX (CPI) ADJUSTMENT.**

The rates established herein shall be adjusted annually by the County's Office of Management and Budget Services to reflect the Consumer Price Index (CPI) as of January 1 of each year. The new

rates as of January 1 of each year shall be made available for access on the County's website.

**SECTION 7. EFFECTIVE DATE.**

This Resolution shall take effect immediately upon adoption by the Board of County Commissioners.

ADOPTED this 23<sup>rd</sup> day of March 2021.

**BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA**


Date Executed  
3/25/2021

By:   
Robert Bender, Chairman



Pam Childers  
Clerk of the Circuit Court

**Approved as to form and legal sufficiency**

By:   
Title: **Assistant County Attorney**  
Date: March 11, 2021