

RESOLUTION NO. 2023-59

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, ESTABLISHING THE MAXIMUM RATES FOR TOWING, REMOVAL, AND STORAGE OF VEHICLES, SEPARATE CHARGES, AND BILLING REQUIREMENTS; ESTABLISHING MINIMUM INSURANCE REQUIREMENTS AND MANDATORY EQUIPMENT FOR INCLUSION ON THE SHERIFF'S ROTATION LIST, IN ACCORDANCE WITH CHAPTER 20 OF THE CODE OF ORDINANCES OF FLAGLER COUNTY, FLORIDA; AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AGREEMENTS FOR THE TOWING OF PUBLICALLY OWNED VEHICLES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE AND AN ANNUAL REVIEW.

WHEREAS, Sections 125.0103(1)(c) and 166.043(1)(c), Florida Statutes, mandates the Board of County Commissioners (the "Board") enact regulations establishing maximum rates for the towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from accident scenes or for the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to law enforcement officer, or otherwise does not consent to the removal of a vehicle; and

WHEREAS, such towing services frequently must be provided without the prior consent of the vehicle/vessel owner, or under circumstances which prevent negotiating the charges, terms and conditions for the towing service, often resulting in disagreements and complaints between vehicle/vessel owners and providers of towing services; and

WHEREAS, Section 715.07(2)(b), Florida Statutes, authorizes the Board to enact regulations pertaining to the towing industry that supplement the requirements of Florida Statutes, including the establishment of towing rates when vehicles are removed from private property; and

WHEREAS, Sections 20-342 – 20-343, Flagler County Code, specify that the Board shall by resolution establish maximum towing rates and fees related to the towing of vehicles in Flagler County; and

WHEREAS, the Board approved Resolution 2011-28 on July 6, 2011, as updated by Resolution 2017-64 on November, 20, 2017, establishing a fee schedule for the towing, removal, and storage of vehicles; and

WHEREAS, the County desires to update and clarify the maximum rates for towing and storage of towed vehicles, the rendition of other services involving the use of a wrecker, and other customary towing services when the point of origin of the tow or services is within the boundaries of the County; and

WHEREAS, the maximum towing rates, minimum insurance requirements, and other regulations contained in this Resolution serve a compelling government interest to protect public health and safety.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA:

SECTION 1. ESTABLISHMENT OF SCHEDULE OF FEES. In accordance with Sections 20-342 and 20-343, Flagler County Code, the schedule of maximum fees for the towing, removal and storage of vehicles, and other towing related services are hereby established and adopted as set forth in Exhibit A, attached hereto and incorporated herein. No other charges or fees shall apply to or be collected other than what is defined herein or Article VI, Chapter 20, Flagler County Code.

- (a) The maximum rates established herein for all class of vehicles shall be all-inclusive and no additional charges shall be made for:
 - (1) Release fees during normal business hours (Monday-Friday 8:00 a.m. – 6:00 p.m.), excluding state legal holidays.
 - (2) Storage for the first six hours.
- (b) Wrecker operators may charge an administrative fee, not to exceed the amount listed in Exhibit A, for compliance with statutory notice requirements after the first forty-eight (48) hours of possessing the vehicle, excluding holidays and weekends, so long as the wrecker operator has actually complied with the requirements of Section 713.78, Florida Statutes, including the executing and mailing of lien notices
- (c) An additional daily storage fee may be charged for any vessel, trailer or other mobile item, whether motorized or not, which is mounted on wheels and attached to a towed vehicle in conformance with the applicable storage fee listed in Exhibit A.
- (d) Wrecker operators must be open for redemption of vehicles Monday through Friday, 8:00 a.m. to 6:00 p.m., excluding state legal holidays, and when closed, shall have a prominently posted sign indicating a telephone number where the operator of the site can be reached at all times.
- (e) When a law enforcement officer requests a wrecker for a nonconsensual 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 listed in Exhibit A, plus labor and parts, if any.
- (f) The hourly rates listed in Exhibit A shall be calculated port to port, and the mileage rates listed in Exhibit A shall likewise be calculated round trip.

SECTION 2. BILLING REQUIREMENTS.

- (a) Towing service operators shall provide a written bill at the request of the owner or operator of a vehicle detailing the charges to date.

- (b) Towing service operators shall provide, at the time of payment, a written receipt for all charges imposed and payments received from the owner or operator of the vehicle resulting in the tow or immobilization of a vehicle. Additionally, said receipt shall include at a minimum:
 - (1) The date, time, and location of the tow;
 - (2) The total charges listed individually using the terminology consistent with the fee schedule in this Resolution; and
 - (3) The date and time of payment of charges.

SECTION 3. EQUIPMENT AND INSURANCE REQUIRED FOR PARTICIPATION IN FLAGLER COUNTY SHERIFF'S TOWING ROTATION LIST.

- (a) In accordance with Section 20-345 of the Flagler County Code of Ordinances, wrecker operators who wish to be included on the Flagler County Sheriff's towing rotation list must submit to the Sheriff or the Sheriff's designee documentary proof of (i) inclusion on the Florida Highway Patrol Wrecker Qualification and Allocation System, and (ii) ownership or lease of the following equipment, at a minimum:
 - (1) 50-ton rotator, hydraulic, extendable, fixed boom, ultra heavy-duty recovery wrecker with a boom structural rating (TEMA or SAE) of 100,000 pounds, equipped with:
 - (A) Two planetary winches with a manufacturer's rating of 50,000 pounds each and 200 feet of 3/4-inch cable.
 - (B) The boom shall extend a minimum of 15 feet beyond the tailgate and shall elevate to a working height of 21 feet.
 - (C) The truck chassis shall be a minimum of 62,000 pounds gross vehicle weight and must be designed for or reinforced for severe service.
 - (D) An under reach tow unit with a capacity of 50,000 pounds.
 - (E) The unit's drive line shall be severe service and geared for low end, high torque applications frequently required for quick clearance and relocation of loaded, wrecked heavy trucks—in some cases while they are still overturned.
 - (F) Additional tools, equipment, and material to recover and clean up roadways after accidents.
 - (2) 35-ton wrecker or rotator type heavy duty wrecker or extendable boom.
 - (3) Heavy duty road service truck equipped with:

- (A) Air compressor and tools;
- (B) Fuel pump recovery system for pumping out diesel and gasoline in the event of a fuel spill or discharge of fluids; and
- (C) Hazardous materials clean-up kits for crash scenes.
- (4) Heavy duty skid steer loader with bucket, broom, and fork attachments.
- (5) Tilt bed, hydraulic, lowboy semi-trailer with a 35-ton capacity, 48 foot bed, and a 20,000 pound winch.
- (6) Tandem axle tractor with a sliding fifth wheel.
- (7) Two, 20-yard dumpsters, including the ability to transport the dumpster(s) to the crash scene.
- (8) Four, Class A flatbeds.
- (9) One, Class B wrecker.
- (10) Airbag recovery system to upright a loaded tractor-trailer.

(b) In accordance with Section 20-345 of the Flagler County Code of Ordinances, wrecker operators who wish to be included on the Flagler County Sheriff's towing rotation list must submit to the Sheriff or the Sheriff's designee, documentary proof of the following minimum insurance limits and coverage for the wrecker operator service.

- (1)

Each Occurrence/General Aggregate	\$1,000,000/\$2,000,000
Products-Completed Operations	\$2,000,000
Personal & Adv. Injury	\$1,000,000
Fire Damage	\$50,000
Medical Expense	\$5,000
- (2) Workers compensation insurance based on requirements of Florida law.
- (3) Employers' liability:

Each Accident	\$1,000,000
Disease-Each Employer	\$1,000,000
Disease-Policy Limit	\$1,000,000

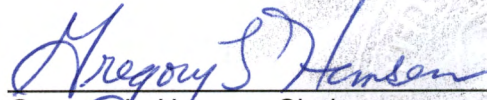
SECTION 4. LOCAL GOVERNMENT VEHICLES. The County Administrator may negotiate written agreements with wrecker operators included on the Sheriff's Rotation regarding the towing of vehicles owned or leased by the public. The County Administrator may execute such agreements within the County Administrator's normal budget authority.

SECTION 5. SEVERABILITY. If any provision of this Resolution is deemed void by a Court of competent jurisdiction, or if any provision of this Resolution becomes preempted to the State, then the voided or preempted provision shall be deemed stricken and shall have no effect on the remaining provisions.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect upon its adoption. The schedule of fees listed above is intended to replace, by this Resolution, those maximum fees as listed in Resolution 2017-64 of Flagler County, Florida. The County shall annually review the fees and rates herein. The schedule of fees included herein shall remain in effect until such time as the same are amended by adoption of a subsequent resolution.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 10th DAY OF JULY 2023.

**FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS**


Gregory J. Hansen, Chair

ATTEST:



Tom Bexley, Clerk of the Circuit
Court and Comptroller

APPROVED AS TO FORM:

Sean S. Moylan

Digitally signed by Sean S. Moylan
Date: 2023.07.10 05:31:13 -04'00'

Sean S. Moylan, Deputy County
Attorney

EXHIBIT A

SERVICE PROVIDED		MAXIMUM RATE	
Nonconsensual & Trespass Tows	Class A Vehicles 0 – 5,999 lbs. GVW	Base Rate	\$160.00
		+ Per Mile	\$6.00
		+ Per Hour	\$160.00
	Class B Vehicles 6,000 – 15,000 lbs. GVW	Base Rate	\$400.00
		+ Per Mile	\$7.00
		+ Per Hour	\$400.00
	Class C Vehicles 15,001 – 25,999 lbs. GVW	Base Rate	\$650.00
		+ Per Mile	\$8.00
		+ Per Hour	\$650.00
	Class D Vehicles ≥ 26,000 lbs. GVW	Base Rate	\$850.00
		+ Per Mile	\$10.00
		+ Per Hour	\$850.00
	Storage	Class A Vehicles 0 – 5,999 lbs. GVW	Outside
Inside			\$55.00
Class B Vehicles 6,000 – 15,000 lbs. GVW		Outside	\$60.00
		Inside	\$70.00
Class C Vehicles 15,001 – 25,999 lbs. GVW		Outside	\$80.00
		Inside	\$90.00
Class D Vehicles ≥ 26,000 lbs. GVW		Outside	\$80.00
		Inside	\$90.00

EXHIBIT A

Separate Charges

SERVICE PROVIDED		MAXIMUM RATE
Airbag	Per Hour	\$ 4,000.00
	Not to Exceed	\$12,000.00
Front End Loader	Per Hour	\$ 500.00
Bobcat, Skid Steer, Fork Lift	Per Hour	\$ 350.00
Rotator (All Classes A-D)	Per Hour 3 hour minimum	\$ 1,500.00
Maintenance of Traffic (MOT)	Set Up	\$ 1,250.00
	+ Per Hour	\$ 150.00
	+ Add'l Labor Per Hour	\$ 95.00
Hazardous Spill Kits	Per Bag	\$ 60.00
Semi-Tractor Tow	Per Hour	\$ 500.00
Semi-Truck Heavy Duty Tractor Tow with Specialty Trailer (Low Boy), Class D	Per Hour	\$ 850.00
	+ Per Mile	\$ 10.00
Removal of Drive Shaft		\$ 95.00
Air Hook Up		\$ 95.00
Remove/Pull Axle		\$ 95.00
Call Box Response	Base Fee	\$ 100.00
	+ Actual Expenses	
Misc. Non-Tow Services (Tire Change, Gas, etc.)	Base Fee	\$ 100.00
	+ Actual Expenses	
After Hours/Holiday Recovery		\$ 85.00
Notice of Lien Administrative Charge		\$ 200.00