

ST. LUCIE COUNTY FEE SCHEDULE – ORD. NO. 12-016

VEHICLE TOWING SEC. 46-78 – FEES.

In addition to the other requirements of this article, no tow truck company shall, for compensation, recover, tow, or remove a vehicle / vessel or provide storage in connection therewith without the prior express instruction of the vehicle /vessel owner or authorized driver, except in accordance with the following:

(1) *Nonconsensual tow.*

a. Tow truck companies may, for compensation, recover, tow or remove a vehicle/vessel based upon a police-directed tow without the prior express instruction of the vehicle/vessel owner or authorized driver upon the prior express instruction of a law enforcement agency and in accordance with the terms of any contracts or agreements between the tow truck company and a governmental entity and/or law enforcement agency.

b. The maximum fee is established which may be charged on the removal and storage of wrecked or disabled vehicles from an accident scene 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 the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle as follows:

Regular Wrecker Service	Class A/D	Class B	Class C	Flatbed "Landoll"	Rotator Boom
Day or night service	\$155.00	\$225.00	\$350.00	\$530.00	\$514.00
Mileage charge	\$4.50	\$5.50	\$7.50	\$8.50	\$8.50
Time charge per ½ hour.**	\$60.00	\$60.00	\$122.00	\$258.00	\$400.00
**After 30 minutes on the scene, will be charged in increments of 30 minutes.					
Underwater recovery	\$200.00 flat rate for a certified scuba diver with full gear, not sheriff's office diver.				
Airbag recovery	\$720.00				
Administrative fee	\$43.00 — One-time charge per tow.				
Additional manpower per ½ hour	\$60.00				
The fee schedule shown in this table is subject to annual revision based upon the provisions in <u>section 46-79</u> .					

*Schedule for Storage
Maximum Rates
2018—2019*

Class or Activity	Approved Rates
Inside storage — Any vehicle, boat, or trailer under 20 feet in length	\$45.00
Inside storage — Any vehicle, boat, or trailer over 20 feet in length	\$50.00
Outside storage — Any vehicle, boat, or trailer under 20 feet in length	\$35.00
Outside storage — Any vehicle, boat, or trailer over 20 feet in length	\$80.00

After hours gate fee — (Shall only be charged if the firm is closed after normal business hours. This charge will not be charged at the time of the after- hour's call, but will be included in the final invoice to be paid at time the vehicle is retrieved)	\$42.00
Tarps and/or crash wrap — Per vehicle	\$25.00

;adv=9;The schedule of storage rates shall be set forth for the storage of vehicles. However, pursuant to F.S. § 713.78(2), no storage fee shall be charged if the vehicle is stored for less than six hours from the time the vehicle arrives at the storage facility. The schedule of storage fee shall be based upon 24-hour increments, calendar days.

(2) *Private property impound.* Tow truck companies may for compensation recover, tow or remove a vehicle/vessel based upon a private property impound without the prior express instruction of the vehicle/vessel owner or authorized driver, upon the prior express instruction of a real property owner or his authorized agent on whose property the vehicle/vessel is disabled, abandoned or parked without authorization or whose vehicle/vessel owner or authorized agent is unwilling or unable to remove the vehicle/vessel, provided that the requirements of this article are satisfied. The tow truck company recovering, towing or removing a vehicle/vessel shall, within 30 minutes of completion of such towing or removal, notify the appropriate law enforcement agency in which jurisdiction the vehicle/vessel was parked of the nature of the service rendered, the name and address of the storage facility where the vehicle/vessel will be stored, the time the vehicle was secured to the towing vehicle, and the make, model, color and vehicle/vessel license plate number (if any). The tow truck company shall obtain the name of the person at the law enforcement agency to whom such information was reported and note that name on the trip record.

a. Except as otherwise provided in this article, every prior express instruction made in writing or in person shall indicate the date and time of the instruction and shall be signed by real property owner/duly authorized agent in the presence of the tow truck company providing the service. The real property owner/the duly authorized agent shall also print his full name.

b. Signing in the presence of the tow truck company/driver shall not be required for a prior express instruction made by the real property owner or authorized agent forwarded by facsimile transmission. All other requirements of this article shall apply and the real property owner or duly authorized agent shall provide in the facsimile instruction the specific location (i.e., address, parking space, etc.), color of the vehicle, make and/or model of the vehicle (if visible) and either the license tag number or the vehicle identification number (if available) prior to the vehicle/vessel being towed. Such facsimile instruction shall include the real property owner's or authorized agent's signature and printed or typed full name and title, as well as an electronic confirmation or electronic stamp of the date and time the instruction was sent to the tow truck company. The tow truck company shall maintain copies of facsimile instructions.

c. If specifically approved in the contract for service, signing in the presence of the tow truck company/driver shall not be required when a vehicle/vessel is parked and blocking public egress/ingress to the business/residential area. In such cases the tow truck company is required to photograph the car and its location prior to removal and said photograph shall conclusively show that the vehicle is clearly in violation of this subsection. The photograph must include a date and time stamp.

d. No tow truck company/driver shall pay or rebate money, or solicit or offer the rebate of money, or other valuable consideration in order to obtain the privilege of rendering towing services.

e. Except as otherwise provided in this article, no such prior express instruction shall be considered to have been given:

1. By the mere posting of signage as required by F.S. ch. 715;
2. By virtue of the terms of any contract or agreement between a tow truck company and a real property owner;
3. When the prior express instruction occurs in advance of the actual unauthorized parking of the vehicle/vessel; or

4. Where the prior express instruction is general in nature and unrelated to specific, individual and identifiable vehicles/vessels which are already parked without authorization.

f. Each tow truck company shall enter into a written contract with every owner of private property that authorizes the tow truck company to tow vehicles/vessels from its property. This written contract shall include the beginning date of said contract, the names and titles of all persons (i.e., owner, property manager, condominium president, etc.) who have the authority to appoint persons (i.e., security guard, night watchman, on-site manager, etc.) who can authorize prior express instruction to the tow truck company to remove, recover or tow any vehicle/vessel from its property. The written contract shall also include the name and current telephone number of the tow truck company performing the towing service. Any addendum to the contract shall include additional names and titles as necessary. The tow truck company must keep on file each contract and addendum (if applicable) with the property owner. Such contract shall be maintained for at least 12 months after termination. The county and law enforcement officers may inspect and request a copy of any and all such contracts from the tow truck company during normal business hours. The tow truck company may not withhold production of the contract upon demand by the division or law enforcement. Failure to enter into or keep on file a contract with the property owner shall be a violation of this article. All contracts which were entered into prior to the effective date of this article, shall accomplish the requirements of this subsection by entering into an addendum to the current contract within one year following the enactment of this article.

g. No vehicle towed as the result of trespass towing shall be towed to and/or stored at a location more than a 15-mile radius from the point of initiation of such trespass tow. No person who provides services (trespass, nonconsensual towing) pursuant to this section shall recover, tow, or remove a vehicle from this county to another county (or vice versus) for the purposes of trespass towing and impounding.

h. Real property owners or authorized representatives shall not request the recovery, tow, or the removal of vehicles/vessels that are reasonably identifiable from markings or equipment as law enforcement, firefighting, rescue squad, ambulance, or other emergency vehicles/vessels which are marked as such or to property owned by any governmental entity.

i. Any person who improperly causes a vehicle/vessel to be recovered, towed, removed or stored shall be liable to the vehicle owner or authorized representative for the costs of the services provided, any damages resulting from the recovery, towing, removal or storage and attorney's fees and court costs.

j. The maximum fee which may be charged on trespass towing of the vehicle/vessel is as follows:

	Class A	Class B	Class C
Regular Wrecker Service	\$125.00	\$165.00	\$300.00
Administrative Fee	\$35.00		
Gate Fee (per day)	\$35.00 8:00 p.m. to 8:00 a.m.		
Outside Storage	\$25.00 per day		
Inside Storage	\$30.00 per day		
The fee schedule shown in this table is subject to annual revision based upon the provisions in section 44-79.			

k. Persons who provide services pursuant to this section shall transport the vehicle directly to the storage site owned or leased by the towing service and the vehicle shall not be kept in any temporary holding area, unless the towing service is directed to do so by a law enforcement officer authorizing the tow.

(Code 1982, § 1-20-16.3; Ord. No. 07-012, pt. A, 11-6-2007; Ord. No. 11-004, pt. A, 2-1-2011; Ord. No. 12-016, pt. A, 9-4-2012; Ord. No. 18-010, pt. A, 8-7-2018)