Pinellas County

Legislation Details (With Text)

File #:	19-1966A **Version:** 1		
Type:	Authority to Advertise Public Hearing	**Status:**	Passed
File created:	10/22/2019	**In control:**	Human Services
On agenda:	11/12/2019	**Final action:**	11/12/2019
Title:	Authority to advertise a public hearing to be held on December 10, 2019, regarding a proposed ordinance amending County Code Sections 122-38, 122-42, and 122-45, relating to the County towing ordinance.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Comment Cards Submitted for Public Comment - Support, 2. Towing Ordinance Change - Redline, 3. Towing Final Ordinance Amendment.pdf, 4. Advertisement of Public Hearing on November 12 2019 BCC_ProposedOrdinance_Towing_102219.pdf, 5. Towing Ordinance Current		

Date	Ver.	Action By	Action	Result

Subject:

Authority to advertise a public hearing to be held on December 10, 2019, regarding a proposed ordinance amending County Code Sections 122-38, 122-42, and 122-45, relating to the County towing ordinance.

Recommended Action:

Authorize a public hearing to be held on December 10, 2019, regarding a proposed ordinance revising County Code 122-38, 122-42, and 122-45, clarifying definitions, updating the maximum towing rate schedule, and clarifying penalties.

- The current towing ordinance was established in 2000. Consumer Protection (CP) has reviewed existing tow rates and has recommended adjustments to enable the industry to remain competitive while balancing possible impact to consumers.
- Feedback was received from towing industry representatives, law enforcement partners, and the Board of County Commissioners as part of the review.
- The amendment clarifies the definitions for trespass and nonconsensual tows and establishes a separate nonconsensual towing fee.
- The amendment adjusts towing rates, including base towing rates, mileage rates, and administrative fees. Daily storage and labor fee adjustments are also included for specific vehicle classes.
- Additionally, the amendment removes civil penalties for failure to include current CP contact information on towing receipts to reduce frivolous civil actions based upon this omission alone.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure

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community

Deliver First Class Services to the Public and Our Customers
5.2 Be responsible stewards of the public's resources
5.3 Ensure effective and efficient delivery of county services and support
5.4 Strive to exceed customer expectations

Summary:
Based on CP review and industry input, the proposed ordinance amends the maximum rate schedule for towing and related charges in Section 122-42(a), amends the definitions of nonconsensual towing and trespass towing in Sec. 122-38, separates the base towing fees for trespass and nonconsensual towing fees under 122-42(a), and amends the penalties in Sec.122-45(b) to exclude a violation of Sec. 122-40(h)(4), or, inclusion of CP contact information on the tow receipt.

Background Information:
CP received feedback from the Board as well as industry representatives on the need to revisit towing fees. CP has followed up on this feedback and reviewed towing fees across other regional and urbanized Florida counties, while reaching out to industry partners and law enforcement for input on operations and fees. CP has incorporated changes to fee recommendations reflecting a separation of the trespass and nonconsensual base towing fees; and an increase in the base towing fees, mileage fees, storage fees, labor fees, and administrative fees.

Additionally, industry feedback indicated that a requirement to include current CP contact information on tow receipts has caused undue financial burden as a result of lawsuits being filed for this specific, technical violation of the ordinance. Exempting this section from the civil penalties of Sec. 122-45(b), would potentially prevent a lawsuit based solely on outdated contact information; however, a citation for violating this section of the ordinance could still be issued by staff.

When reviewing tow rates, it is important to note that there is no statewide standard and the fees initially established in the towing ordinance in 2000 have largely remained unchanged. This ordinance amendment increases certain towing fees consistent with CP's review of other counties and adjusted to incorporate industry input as applicable while balancing impact to consumers. Consumer Protection recommends conducting a review of these fees every three years.

Fiscal Impact:
Human Services anticipates that this proposed ordinance will require no additional staff time.

Staff Member Responsible:
Daisy Rodriguez, Director, Human Services

Partners:
Towing Industry Partners
Law Enforcement Agencies
Local Consumers

Attachments:
Proposed Ordinance Change
Proposed Ordinance Change Redline
Notice of Public Hearing