

LEGISLATIVE

#120063D



POLICE DEPARTMENT
Inter-Office Communication

To: Public Safety Committee

Date: September 17, 2012

From: Rhonda Osborne
Executive Assistant to the Chief of Police
Staff Liaison to the Public Safety Committee

Subject: Towing History and Other Additional Backup
For Item #120063

Attached is a Towing History going back to the original City Commission referral on "Aggressive Vehicle Towing in Downtown Gainesville" in 1992. This history was compiled by the Staff Liaison to the PSC during that time and up to 2006. The history summary was recently located during a public records request search of files. I have added the only action taken since the original history was documented, which was in 2007 when the request for an increase was denied by the City Commission.

Included in the additional backup documentation are cost updates from Elite Towing and Superior Towing provided to PSC Chair, Commissioner Hinson-Rawls, during the August 28, 2012 PSC meeting.

Also included is the wording from the Towing Ordinance on "Authorized Fees and Charges" provided by City Attorney's Office.

History of Roam Tow Rates: How the \$70 initial rate was established. (As discussed in Public Safety and Towing Subcommittee meetings, April 1992-2000) And subsequent revisions:

- **April 20, 1992** - City Commission Refers “Aggressive Vehicle Towing in Downtown Gainesville” to the Public Safety Committee (C/Jim Painter and C/Rodney Long)
- **June 23, 1992** – Public Safety Committee begins discussions on referral made by C/Painter resulting from a number of complaints from students being towed in the downtown area and from the issue of “stacking cars” and differing rates. GPD’s only involvement in towing at this time is with wrecker rotation tows, and utilizes FHP rotation list for such tows.
- **September 9, 1992-** Downtown Redevelopment Association (DRA) joins PSC discussions, with concerns on downtown lots not being clearly marked, differing rates being charged, and compounds that are locked after-hours- leaving a towed vehicle owner without access. C/Long tasked DRA with writing the 26 tow companies regarding the concerns, suggesting they begin “policing” themselves and advising them that the committee is considering an ordinance if the problems continue. The VP of the Professional Wrecker Operators of FL had been contacted and reported that while the association has a set of bylaws (code of conduct) they are not followed, and the VP suggested that Gainesville enact an ordinance regulating pricing.
- **September 22, 1992** – PSC meeting. A small number of tow companies were present and gave comments. The committee suggested the attorneys look at Polk County Tow ordinance, however, were still not inclined to recommend an ordinance in Gainesville. Discussion: FSS requires tow companies post their rates with local law enforcement, however, GPD reported not receiving these and not enforcing that FSS, due to lack of resources. GPD was directed to request the rates from the tow companies in writing. The committee directed GPD Chief Clifton to chair a Towing Task Force with representatives from Codes, DRA, City Attorney’s staff and two members of the towing industry. They were tasked with returning to PSC in 30 to 60 days with recommendations.
- **October 9, 1992** – First Vehicle Towing Subcommittee meeting where the charge was to review: 1) identification on vehicles, 2) posting of rates to law enforcement, 3) property posting requirements, 4) payment (form) and 5) standards. DRA discussion continued to focus on private lots in the downtown area and tows from those lots where they are either not posted well enough, signs were faded or citizens just assume that if the adjoining business is closed, the lot is open.
- **October 20, 1992** – Vehicle Towing Subcommittee discussed that FSS requires identification on towing vehicles and for posting rates with law enforcement and at their secured site. Additionally, attorney staff advised that copies of contracts for towing from private lots are also required to be posted at the site, per FSS.

The subcommittee discussed what forms of payment should be/are accepted and agreed that whatever forms are accepted should be posted at the business.

- **November 4, 1992** – Vehicle Towing Subcommittee discussed Tallahassee’s ordinance that set a maximum \$70 tow charge as well as a lengthy undecided discussion on standards/ethics for tow companies. The towing industry also focused on the reason they tow lots downtown 24 hours a day – by contract with the property owners who get tired of cleaning up after weekend bar crowds. While the city does not regulate tow rates, the city attorney staff advised that if tow companies charge more than what they submit to GPD as their rate, the victim can legitimately take the overcharge to small claims court. There was much discussion on exactly what a “complete list of rates” meant and comments to the effect that the more tow companies are required to list, the more avenues (additions) they may have in charging more per tow. The committee’s final recommendations to be submitted to the PSC were:
 - 1) All tow companies doing business in the City of Gainesville comply with Florida State Statute 713.78(1)(b) on placing the name of the company on the vehicle doors.
 - 2) All tow operators keep the appropriate FSS with them to present to law enforcement personnel, if needed.
 - 3) The GPD will enforce the signing requirement for wreckers.
 - 4) All towing companies doing business in the City of Gainesville provide a written notification to the GPD on their complete rates for tows and services.
 - 5) All towing companies doing business in the City of Gainesville post a written notice of their complete rates for tows and services.
 - 6) All towing companies doing business in the City of Gainesville shall notify citizens via telephone of their form of payment acceptance and these should also be posted at the business site.
 - 7) All towing companies doing business in the City of Gainesville shall report the VIN to the GPD, when calling in a tow.
 - 8) State laws and regulations already in place will be enforced by the GPD or other appropriate agencies.
- **December 8, 1992** – Public Safety Committee discussed the Towing Subcommittees (above) recommendations and agreed to take these to the full CC for approval, to recommend they revisit this in 9 months, and that if more complaints come in the commission should consider enacting an ordinance to regulate. The committee also recommended the towing industry meet every 3 months on their own.
- **January 27, 1993** – City Commission approved the PSC recommendations and notifications were sent to all city listed tow companies on same.
- **October 13, 1993** – PSC notifies tow companies of public meeting set for November 16, 1993 to review the effectiveness of the “self-policing” letter sent to them in January 1993. Since January, the city continued to receive complaints on posting of signs, method of payment and high and inconsistent rates.
- **November 16, 1993** (C/Ed Jennings and C/Courtland Collier)– PSC meets to review the subcommittee recommendations and the effectiveness of same since

they were implemented in January 1993. *Due to continued complaints on tows, C/Collier recommended consideration of using Tallahassee's ordinance (that includes a \$70 maximum rate for tow). C/Jennings agreed that the committee recommend an ordinance be prepared by the City Attorney for the CC's consideration. Tow companies were asked to submit their current rate information so "they (PSC) could come up with a suggested dollar amount for the rate".* The draft ordinance to be returned to PSC first.

- **December 1993** – City Commission approves PSC to proceed with having a draft ordinance on towing prepared by City Attorney staff. In the notice to the tow companies the committee requested, “In order to be prepared to discuss rates that will be established in that ordinance, the PSC is requesting that you provide a new listing of your current rates...”
- **January 11, 1994** -PSC meets to review the first draft of the ordinance, modeled after Tallahassee's private property towing ordinance. One of the recommendations was that tow companies would have to accept at least two forms of payment (accepting two of the three – check, cash, credit card). Interesting note that the original draft had a limit for roam towing between the hours of 12 a.m. and 7 a.m., however was removed after attorney's representing the towers expressed opposition. PSC recommended the ordinance, with changes made at this meeting, go to the full CC.
- **March 8, 1994** - PSC meeting. CC on 2/14/94 referred the draft ordinance back to PSC for refined wording. Some of that discussion included...”Mr. Forron brought out for discussion the method of payment, indicating he did not want to take credit cards or checks. Other members of the tow industry expressed concern that accepting only cash is fair to them – cash or a money order. C/Long related that the cash issue will be deferred to the full CC. C/Long suggested taking local checks. He was questioned as to what would be considered local – Alachua County? C/Collier asked why the rate for a normal tow would be \$35 and a roam tow would be \$60. Mr. Forron responded it was due to the liability, risk, time frame, notification to law enforcement and the fact that a non-consent tow is more of a problem. C/Long stated they would leave the price the way it is.”
- **April 5, 1994** -PSC meeting. On 3/14/94, the CC referred a number of items back to the PSC for discussion, including language that would set the \$70 rate, inclusive of the first 24 hours (no storage fees can be charged those first 24 hours).
- **April 19, 1994** -PSC meeting to hear final comments to the draft ordinance language before going back to the full CC on 4/25/94.
- **May 9, 1994** -CC adopts ordinance on final reading, “setting the maximum rates at \$70, that shall be all-inclusive and no additional fees may be charged, and establishing the rates set annually by the CC after receiving recommendations based on financial information submitted by the tow companies as to their costs for the removal of vehicles and on other information.” That information is to be submitted by the tow companies by September 30 of each year and maximum fees will be set by resolution of the CC prior to December 31 of each year. The CC also requested that this ordinance's effectiveness be reviewed in one year. (Found no notes that this was discussed again one year after in 1995)

- **September 28, 2000**, -Attorney Robert Roundtree, representing several tow companies requested the City consider a rate increase to the maximum roam tows, noting there had been no increase since the original adoption in May 1994.
- **6/24/02 Resolution revisions increased the maximum rate to \$73**
- **12/8/03 Resolution revisions increased the maximum rate to \$76**
- **11/8/04 requested increase of \$4 denied**
- **12/28/05 Resolution revisions kept maximum rate at \$76**
- **7/23/07 Resolution revisions kept maximum rate at \$76**

Sec. 14.5-30. - Authorized fees and charges.

(c) Maximum trespass towing fees shall be established no more than annually by the city commission after receiving a request for fee modification by the towing company owners and staff recommendations based on financial information submitted by the trespass towing companies as to their costs for the removal of vehicles and on other information. The required information shall be submitted by the towing company owners by September 30 of each year. The maximum fees shall be set by resolution to be adopted by the city commission prior to December 31 of each year in which a request for modification has been made. Such maximum fees shall be effective during the following calendar year and until changed by subsequent resolution. (emphasis added)

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Points of Interest

As you may know, price for fuel has substantially increased and not expected to decrease in the near future. Since our company is mainly based on fuel, we have suffered significantly.

Our first aim is to please our customers, however, we will not be able to serve them if our business incurs losses. Unfortunately, we are left with no rational alternative but to ask for a price increase.

- **Fuel**

1. Since 2008 there has been a 103.79% increase in fuel cost
2. We as a nation have not suffered so much since President Carter

- **Credit cards**

1. There is no limit per transaction, whether its \$76.00 or \$1500.00 (we lose a percentage on every transaction)
2. The city charges fees to use credit cards
3. The tag office does not accept credit cards

- **Tow fee**

1. There has not been an increase for tows in over 5 years
2. The city has increase fees on contract renewals
3. We now have permit fees on drivers/trucks
4. We are required to take photos each violation and require saving them for a minimum of 1 year.

- **Increase in living**

1. Minimum wage has increased 30% from \$5.85 in 2007 to \$7.67 in 2012
2. Cost of living has increased
3. Price of maintaining the trucks has increased (tires, oil, etc)
4. Insurance has increased 10% in the last 5 years (workman's comp, liability, and auto)
5. Rent increased due to tax increase (we are mandated to have our companies in certain areas and property managers know they can charge outrageous fees)
6. Cost of seat belt tickets have increased

Tow company large expenses

	1994	2012
Tow trucks	32,000.00	68,000.00
Insurance	840.00	3,200.00
Fuel	169.9	4,09
Tires	82.00	240.00
Training	1-2 days	2 weeks