

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 11, ARTICLE XIII ENTITLED “TOWING SERVICES” OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 11-336, WRECKER OPERATOR’S IDENTIFICATION CARD, RENEWAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 11, Article XIII of the Code of Laws of Leon County regulates and licenses towing establishments and towing wrecker operators in Leon County; and

WHEREAS, Section 125.5801, Florida Statutes, authorizes a county to require, by ordinance, state and national criminal history screening for any private contractor, employee of a private contractor, vendor, repair person, or delivery person who is subject to licensing or regulation by the county; and

WHEREAS, Section 125.5801, Florida Statutes, authorizes a county to require, by ordinance, state and national criminal history screening for any private contractor, employee of a private contractor, vendor, repair person, for-hire chauffeur, or delivery person who has direct contact with individual members of the public; and

WHEREAS, pursuant to Section 125.5801, Florida Statutes, a county is authorized to require, by ordinance, fingerprint-based state and national criminal history record checks through the Florida Department of Law Enforcement and Federal Bureau of Investigation; and

WHEREAS, the Board desires to amend Chapter 11, Article XIII of the Code of Laws of Leon County to comport with Section 125.5801, Florida Statutes; and

WHEREAS, the Board finds and declares that amendments to Chapter 11, Article XIII of the Code of Laws of Leon County are necessary for the security and public safety of persons who utilize towing services in Leon County;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Chapter 11, Article XIII, Section 11-336 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 11-336. Wrecker operator’s identification card; renewal.

(a) No wrecker owner or operator shall conduct towing services without first having obtained a wrecker operator’s identification card from the LCSO. After satisfactory completion of the

1 required application process, the LCSO shall issue an identification card. Each identification card
2 shall contain the following:

- 3 (1) A photograph of the towing wrecker operator;
- 4 (2) The name of the wrecker service and towing wrecker operator's first and last name;
5 and
- 6 (3) A control number that can be linked ~~back~~ to the driver's personal information.;

7 If the identification card is lost, damaged, stolen or becomes illegible, the card; shall be replaced by
8 the LCSO.

9 (b) It shall be a violation of this article for the owner of any towing establishment to permit
10 any person to be employed as a towing wrecker operator within the county unless such person has
11 been granted an identification card to engage in consensual or non-consensual towing by the LCSO.
12 Each identification card shall be valid for one year from date of issuance.

13 (c) In order to secure a towing wrecker operator identification card, an applicant shall
14 comply with the following and provide such information on a form provided by the LCSO.

- 15 (1) The applicant shall be at least 18 years of age.
- 16 (2) The applicant shall possess a valid Florida driver's license for the class of towing
17 vehicle operated and provide a photocopy to the wrecker administrator.
- 18 (3) The applicant shall provide a copy of his/her medical certification card, if applicable.
- 19 (4) The applicant shall be competent by reason of experience and/or training to safely
20 operate the class of towing vehicle driven. The applicant shall be able to demonstrate
21 his/her ability to safely operate the towing vehicle.
- 22 (5) The applicant shall be insured by the towing establishment's insurance provider.
- 23 (6) The applicant shall not have a prior conviction of the following:
 - 24 a. Any felony conviction within the previous five years from the date of
25 application/renewal if his or her civil rights have not been restored.;
 - 26 b. Any conviction, plea of guilty or nolo contendere, regardless of the adjudication of
27 guilt, within the previous ten years from the date of application/renewal, for a
28 felony or first degree misdemeanor directly related to the business of towing
29 motor vehicles.;
 - 30 c. Any conviction, plea of guilty or nolo contendere, regardless of the adjudication of
31 guilt, within the previous five years, of driving under the influence of alcohol, a
32 controlled substance, or a chemical substance, to the extent that normal faculties
33 are impaired.;
 - ~~driving with an unlawful blood alcohol level;~~

- 1 d. Any conviction, plea of guilty or nolo contendere, regardless of the adjudication of
2 guilt, for a violent felony offense, sexual, or lewd and lascivious offense;
3 regardless of the amount of time that has elapsed between the date of the
4 application/renewal and the final disposition of the case.
- 5 e. Any conviction, plea of guilty or nolo contendere, regardless of the adjudication of
6 guilt, for any felony offense(s) that the sheriff or his or her designee determines to
7 be a threat to the safety and welfare of the public, regardless of the amount of
8 time that has elapsed between the date of application/renewal and the final
9 disposition of the case.
- 10 f. More than two traffic citations resulting from accidents within the previous three
11 years from the date of application/renewal wherein the driver has been found
12 guilty or pled guilty.
- 13 g. More than two convictions of first degree misdemeanor traffic crimes, including
14 but not limited to, ~~the following~~: reckless driving, careless driving and racing,
15 within the previous three years from the date of application/renewal wherein the
16 driver has been found guilty or pled guilty.
- 17 h. More than three separate incidents involving moving violations in any 12-month
18 period within the previous three years from the date of application/renewal
19 wherein the driver has been found guilty or pled guilty.
- 20 i. Has been classified as a habitual traffic offender (as defined by Florida Statutes)
21 or as defined by the state where he/she previously resided within the previous
22 five years from the date of application/renewal.

23 (7) The applicant shall undergo a background check consisting of:

- 24 a. Fingerprint-based state and national criminal history record checks through the
25 Florida Department of Law Enforcement and Federal Bureau of Investigation in
26 accordance with Section 125.5801, Florida Statutes; and Fingerprinting;
- 27 b. Driver's license history; ~~and~~
- 28 ~~e. Criminal history check via the Florida Criminal Information Center/National~~
29 ~~Criminal Information Computer.~~

30 (d) Renewals.

31 (1) The wrecker operator's identification card shall be renewed annually for operators
32 who remain with the same towing establishment. Prior to an operator towing with a
33 different towing establishment, the operator shall notify the LCSO towing
34 administrator and obtain a new identification card.

35 (2) Towing establishments shall be re-inspected every year.
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