

LEON COUNTY ORDINANCE NO. 25-05

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA; REPEALING CHAPTER 11, ARTICLE IX, OF THE CODE OF LAWS OF LEON COUNTY, ENTITLED TOWING SERVICES, AND REPLACING IT WITH THE ADOPTION OF A NEW ARTICLE IX, ENTITLED NONCONSENSUAL TOWING AND STORAGE OF VEHICLES AND VESSELS; AMENDING CHAPTER 6, ARTICLE II OF THE CODE OF LAWS OF LEON COUNTY, ENTITLED CODE ENFORCEMENT BOARD, BY AMENDING SECTION 6-31, ENTITLED FUNCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board desires to enact an ordinance to preserve, promote, and improve the health, safety, and welfare of the County’s residents and visitors by regulating the operations of towing-storage businesses related to the nonconsensual towing and storage of vehicles and vessels, pursuant to the home rule powers of the County as set forth in Art. VIII, § 1(g), Fla. Const., § 125.01(1), Fla. Stat. (2024), and the County charter, and pursuant to the towing regulations set forth in 49 USCA § 14501(c)(2)(C) (2024) and §§ 125.0103, 125.01047, 323.002, 713.78, and 715.07, Fla. Stat. (2024), and other applicable controlling law; and

WHEREAS, the Board desires to repeal Chapter 11, Article IX of the Leon County Code of Laws, relating to towing and storage services, which is outdated and inconsistent with recently enacted State and Federal law, and replace it with the adoption of a new Article IX, which updates the towing and storage services regulations consistent with current State and Federal law; and

WHEREAS, the Board desires to amend Chapter 6, Article II of the Leon County Code of Laws, relating to the Code Enforcement Board, by revising its functions to specifically exclude enforcement of the provisions of Chapter 11, Article IX, as amended herein;

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

Section 1. Amendments to Code, Chapter 6, Article II.

The Code of Laws of Leon County, Florida, is hereby amended by revising section 6-31 of Chapter 6, Article II, which shall be read as follows:

Sec. 6-31. Function.

The code enforcement board shall have the purpose of conducting hearings relating to the enforcement of the following provisions as now or hereafter amended:

- (1) Chapter 5, building code, article II, technical standards;

- (2) Chapter 5, building code, article IV, property maintenance code;
- (3) Chapter 10, land development code;
- (4) Chapter 11, licenses, taxation and miscellaneous business regulations, article XIX, refueling assistance for persons with disabilities; with the exception that the enforcement of the provisions in article IX, relating to nonconsensual towing and storage of vehicles and vessels, shall be as set forth in the enforcement provisions provided therein;
- (5) Chapter 14, property safety and maintenance; and
- (6) Any provision of the Leon County Code of Laws which the code enforcement board is specifically granted enforcement jurisdiction.

Section 2. Adoption of Code, Chapter 11, Article IX, Nonconsensual Towing and Storage of Vehicles and Vessels.

The Code of Laws of Leon County, Florida is hereby amended by adopting a new Article IX to Chapter 11, entitled “Nonconsensual Towing and Storage of Vehicles and Vessels”, thereby replacing the existing Chapter 11, Article IX, entitled “Towing Services” by the repeal as set forth in Section 3 hereinbelow, and which shall be read as follows:

**ARTICLE IX. NONCONSENSUAL TOWING AND STORAGE
OF VEHICLES AND VESSELS**

DIVISION 1. GENERALLY

Sec. 11-279. Authorization.

This article is enacted to preserve, promote, and improve the health, safety, and welfare of the County’s residents and visitors by regulating the operations of towing-storage businesses related to the nonconsensual towing and storage of vehicles and vessels, pursuant to the home rule powers of the County as set forth in Art. VIII, § 1(g), Fla. Const., § 125.01(1), Fla. Stat. (2024), and the County charter, and pursuant to, and not inconsistent with, the towing regulations set forth in 49 USCA § 14501(c)(2)(C) (2024) and §§ 125.0103, 125.01047, 323.002, 713.78, and 715.07, Fla. Stat. (2024), or as those sections may hereafter be amended, and any other applicable controlling law.

Sec. 11-280. Intent, purpose, and scope.

- (a) The intent and purpose of this article is to provide for the safe and fair performance of trespass towing and storage operations, as well as nonconsensual towing and storage operations performed under the wrecker operator system, by taking the following actions:
 - (1) Mitigating potential risks and hazards by requiring that all towing-storage businesses performing such operations, along with their wreckers, wrecker operators, and storage facilities, must first pass safety inspections and background investigations before being approved for an operating license in accordance with this article;

(2) Mitigating potential risks and hazards associated with damaged or disabled vehicles impeding traffic by requiring that any towing-storage business or wrecker operator assigned to a towing operation under the wrecker operator system must provide notification of any delay that would prevent arrival at the assignment location within the designated standard response time;

(3) Establishing a schedule of the maximum rates which may be charged by a towing-storage business or wrecker operator for the nonconsensual towing and storage of vehicles and vessels, in accordance with § 125.0103(c), Fla. Stat. (2024), or as that section may hereafter be amended; and

(4) Establishing an equitable, expeditious, effective, and inexpensive method of enforcing the provisions of this article when a pending or repeated violation continues to exist by creating the administrative office of special magistrate with the authority to impose administrative fines and other noncriminal penalties.

(b) The scope of this article is limited to the following nonconsensual towing and storage of vehicles and vessels:

(1) Any trespass towing and storage operation; and

(2) Any nonconsensual towing and storage operation performed under the wrecker operator system.

Sec. 11-281. Applicability.

The provisions of this article shall apply in both the unincorporated areas and the incorporated areas of the County; provided, however, that a municipal ordinance shall prevail over any provisions of this article to the extent of any conflict within the boundaries of the municipality. To the extent that a municipal ordinance covers the same subject matter as the provisions of this article without conflict, then both the municipal ordinance and this article shall be effective, each being deemed supplemental to the other.

Sec. 11-282. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Business entity means any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business for monetary gain.

CDA means the Tallahassee-Leon County Consolidated Dispatch Agency, which provides public safety consolidated dispatch services for the Leon County Sheriff, Leon County Emergency Medical Services, and the City of Tallahassee Police and Fire Departments, and which shall act as the County's designated agent for purposes of administering and implementing the rotation schedule utilized in the wrecker operator system, as provided in division 2, subdivision 2.

Code inspector means an LCSO staff person, or other authorized agent or employee of the County, whose assigned duty it is to ensure compliance with the provisions of this article.

County charter means the Leon County, Florida home rule charter originally enacted by Ord. No. 2002-17, adopted Sept. 10, 2002, and effective Nov. 12, 2002, and thereafter amended to read as set out in the Code of Laws of Leon County.

Consensual towing and storage means the performance of a towing, storage, or both towing and storage, operation initiated upon instructions from, and with the prior consent of, the vehicle or vessel owner.

County Administrator means the Leon County Administrator who, pursuant to the County charter, carries out the directives and policies of the Board of County Commissioners and enforces all orders, resolutions, ordinances and regulations of the Board, the County charter, and all applicable general law to ensure that they be faithfully executed, with the powers and duties as set forth in the Leon County Administrative Code at Chapter 2, article X, Code of Laws of Leon County, Florida.

In the process of towing means that one-half of the wheel lift apparatus surrounds a tire of the vehicle or the winch hook is properly hooked to the vehicle or vessel in an appropriate place on the vehicle or vessel where it can safely be towed or winched.

LCSO means the Leon County Sheriff's Office.

Maximum rates means the maximum charges to a vehicle or vessel owner for various categories of nonconsensual towing and storage services, the amount of which cannot be exceeded by the towing-storage business or wrecker operator performing such services.

Maximum rates resolution means the schedule of maximum rates established by Board resolution, in accordance with § 125.0103, Fla. Stat. (2024), or as that section may hereafter be amended.

Multifamily property means a property used for residential purposes other than single-family residential. For purposes of this article, a multifamily property includes any common area maintained, or otherwise in control of, a condominium association, homeowners' association, or property owners' association.

Nonconsensual towing and storage means the performance of a towing, storage, or both towing and storage, operation without the prior consent of the vehicle or vessel owner, including, but not limited to, a trespass towing and storage operation or a nonconsensual towing and storage operation performed under the wrecker operator system.

No-tow assignment means the assignment of a nonconsensual towing and storage operation which, after the wrecker operator is in the process of towing the vehicle or vessel, the assignment is cancelled before proceeding to the storage facility.

Operating license means the license issued and renewed by the County, or its designated agent, to an approved towing-storage business which allows for the lawful performance of trespass towing

1 and storage operations, or nonconsensual towing and storage operations performed under the wrecker
2 operator system.

3 *Property* means, unless otherwise indicated, a parcel or parcels of real property.

4 *Property owner* means the owner or lessee of property, or any person authorized to act on behalf
5 of the owner or lessee. If the property is a common area maintained, or otherwise in control of, a
6 condominium association, homeowners' association, or property owners' association, a property owner
7 is also defined to mean the designated representative of a condominium association, homeowners'
8 association, or property owners' association.

9 *Roam towing* means the performance of trespass towing and storage operations from a
10 multifamily property whereby the towing-storage business, pursuant to a written agreement with the
11 property owner, may roam such property during the designated hours of 7:00 p.m. to 7:00 a.m. and,
12 upon determining that a vehicle or vessel is wrongfully parked, may tow and store such vehicle or
13 vessel without the property owner's required verification and written instruction.

14 *Rotation schedule* means a rotating list of licensed towing-storage businesses created and
15 maintained as the method for apportioning the nonconsensual towing and storage operations assigned
16 under the wrecker operator system, as required by § 323.002, Fla. Stat. (2024), or as that section may
17 hereafter be amended.

18 *Sheriff* means the Leon County constitutional officer elected in accordance with chap. 30, Fla.
19 Stat. (2024), who shall act as the County's designated agent for purposes of administering and
20 implementing the provisions set forth in division 2 of this article, pertaining to nonconsensual towing
21 and storage operations, and in division 4, pertaining to the designation of LCSO staff as code inspectors.

22 *Special magistrate* means the County code enforcement magistrate created pursuant to chap.
23 162, pt. I, Fla. Stat. (2024), or as that part may hereafter be amended.

24 *Standard response time* shall mean, with regard to a nonconsensual towing and storage
25 assignment under the wrecker operator system, the specified period of time, commencing with the
26 acceptance by the towing-storage business of the CDA's assignment request, within which a wrecker
27 operator is expected to arrive at the assignment location. For purposes of this article, the standard
28 response time shall be 30 minutes.

29 *Storage or store* means the keeping or retention by a towing-storage business of a towed vehicle
30 or vessel until it is released to its vehicle or vessel owner. Storage of a vehicle or vessel expressly
31 excludes any use of a towing-storage business's personnel or equipment associated with the release of
32 a vehicle or vessel unless otherwise authorized under State law.

33 *Storage facility* means a property owned, leased, or otherwise occupied by a towing-storage
34 business at which it stores a towed vehicle or vessel until the vehicle or vessel owner arrives and obtains
35 a release of such vehicle or vessel.

36 *Tow or towing* means to pull, draw, or remove any vehicle or vessel with a wrecker by means
37 of a direct attachment, drawbar, or other connection or to carry a vehicle or vessel on a wrecker
38 designed to transport such vehicle from one location to another.

Tow-away sign means the notice posted by a property owner consistent with the requirements of § 715.07(2)(a)5., Fla. Stat. (2024), or as that section may hereafter be amended.

Towing-storage administrator means the LCSO staff person designated to administer and implement the provisions set forth in division 2 of this article pertaining to nonconsensual towing and storage operations.

Towing-storage business means any business entity engaged in the business of towing vehicles or vessels, storing of vehicles or vessels, or both towing and storage.

Trespass towing and storage means the performance of a nonconsensual towing and storage operation which, with the exception of roam towing, is initiated upon the written instruction from a property owner after verifying that the vehicle or vessel is wrongfully parked on, or blocking access to, the property owner's property.

Vehicle means any mobile item, whether motorized or not, which is mounted on wheels, and, for purposes of determining the maximum rate for towing a vehicle, includes as part of its maximum loaded weight any additional vehicle or vessel securely attached thereto.

Vehicle or vessel owner means the registered owner of a vehicle or vessel, or other person legally authorized to operate or be in control of such vehicle or vessel, or legally authorized to pay for the release of such vehicle or vessel from storage.

Vessel means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in § 327.02, Fla. Stat. (2024), or as that section may hereafter be amended.

Wrecker means any truck or other vehicle that is used to tow vehicles or vessels upon the streets and highways of this state and is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

Wrecker operator means any person engaged for hire in a towing-storage business either as an owner of a towing-storage business or as a wrecker driver employed or contracted by the towing-storage business.

Wrecker operator ID card means the identification card issued to a wrecker operator upon a satisfactory background investigation performed as required for issuance and renewal of a towing-storage business's operating license.

Wrecker operator system means the system under which the County contracts with towing-storage businesses for the assignment of nonconsensual towing and storage operations involving wrecked, disabled, or abandoned vehicles and vessels from accident scenes, streets, or highways, with such assignments initiated upon instructions from the law enforcement officer at the scene in accordance with the established rotation schedule.

Sec. 11-283. Exemptions.

- (a) The provisions of this article shall not apply to or otherwise prohibit any consensual towing and storage operation.
- (b) The provisions of this article shall not apply to or otherwise prohibit any nonconsensual towing and storage operations performed or directed by a towing-storage business which conducts solely such operations deemed to be repossessions, as defined in § 493.6101, Fla. Stat. (2024), or as that section may hereafter be amended.

Secs. 11-284 – 11-289. Reserved.

DIVISION 2. NONCONSENSUAL TOWING AND STORAGE OPERATIONS

Subdivision I. Generally

Sec. 11-290. Intent, purpose, and scope; prohibited acts.

- (a) The intent and purpose of this division is to establish the prerequisites that must be satisfied by a towing-storage business in order to obtain an operating license to perform any trespass and towing operations, or any nonconsensual towing and storage operations under the wrecker operator system; and to establish the fees that may be charged to the towing-storage business for the approval, issuance, and renewal of an operating license.
- (b) The scope of this division is supplemental to the nonconsensual towing and storage provisions of §§ 125.01047, 323.002, 713.78, and 715.07, Fla. Stat. (2024), or as those sections may hereafter be amended, and any other State or Federal law as applicable.

Sec. 11-291. County Administrator and Sheriff; duties and responsibilities.

- (a) The County Administrator, or designee, in order to ensure consistency with this division and any applicable Federal or State law, shall approve the content of all application forms and other documentation utilized in the approval, issuance, and renewal of operating licenses, and all other associated forms. Any designee of the County Administrator shall be established in writing.
- (b) The Sheriff, or designee, shall act as the County's designated agent for purposes of administering and implementing the provisions set forth in this division. The Sheriff shall develop and maintain written procedures and protocol for such administration and implementation including, but not limited to, fairly apportioning the towing and storage operation assignments in the wrecker operator system among the towing-storage businesses listed in the rotation schedule. Any designee of the Sheriff shall be established in writing.

Sec. 11-292. Operating license approval, issuance, and renewal.

- (a) It shall be unlawful for a towing-storage business to perform any trespass towing and storage operation, or any nonconsensual towing and storage operation under the wrecker operator system, without a valid operating license obtained and maintained in accordance with this

subdivision. An operating license shall be approved, issued, and renewed only upon the satisfactory review and inspection by the Sheriff, or designee, of the various components of the towing-storage business's operation.

(b) The information subject to such review shall be provided by written application in a form approved by the County Administrator, or designee. The components of the towing-storage business's operation to be reviewed or inspected shall include, but not be limited to, the following:

(1) Ownership information to include, but not be limited to, contact information, wrecker identification, and wrecker specifications. In addition, written confirmation shall be provided to show that the towing-storage business is registered with the State to conduct business in Florida, including registration of the fictitious name if doing business as a sole proprietor in other than the person's legal name;

(2) Procurement and maintenance of insurance policies in the required minimum coverages and amounts as determined by the County's risk manager, including, but not limited to, the requirement that the County and the Sheriff are to be named and covered as additional insureds.

(3) Inspection of all wreckers for issuing a windshield identification decal;

(4) Background investigations required for issuance of wrecker operator ID cards;

a. Such background investigations shall be conducted in accordance with § 125.5801, Fla. Stat. (2024), or as that section may hereafter be amended, requiring the applicant to be fingerprinted, and the fingerprints to then be submitted to the Florida Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check; and

(5) Inspection of storage facilities to ensure they satisfy the statutory proximity requirement, and that reasonable care has been used to prevent theft. For purposes of this subsection:

a. The statutory proximity requirement, as set forth in § 715.07(2)(a)1.a., Fla. Stat. (2024), or as that section may hereafter be amended, and which applies only to trespass towing and storage operations, provides that the storage facility must be located within a 10-mile radius of the point at which the towing occurred.

b. The term "reasonable care" shall have the same meaning as ascribed in § 713.78(7)(b), Fla. Stat. (2024), or as that section may hereafter be amended.

(c) An operating license, together with any wrecker identification decals, wrecker operator ID cards, and storage facility inspection certificates issued thereunder, shall be valid for a term of one year. An operating license may be renewed upon a satisfactory review and inspection in the same manner as conducted when originally approved and issued.

Sec. 11-293. Fees for operating licenses, inspections, background investigations, and renewals.

(a) The County Administrator, his or her designee, or the County's designated agent, may impose and collect from a towing-storage business the fees, as set forth below, associated with the cost of approving, issuing, and renewing an operating license. The amount of such fees shall be determined based on the actual cost of the materials and personnel utilized in the approval, issuance, and renewal of an operating license, and the types of fees shall be limited to the following:

(1) Fees for operating license applications and renewals;

(2) Fees for wrecker inspections and decal fees, including renewals; and

(3) Fees for background investigations and wrecker operator ID cards, including renewals.

(b) No other fees may be imposed on, or collected from, a towing-storage business unless approved by the Board and authorized by State law.

Sec. 11-294. Receipt for payment by vehicle or vessel owner.

(a) As required by § 715.07(2)(a)9., Fla. Stat. (2024), or as that section may hereafter be amended, at the time of payment to a towing-storage business, a detailed receipt shall be given to the vehicle or vessel owner, whether requested or not, showing the legal name of the towing-storage business. A violation of this subsection shall be punishable as provided in § 715.07, Fla. Stat. (2024), or as that section may hereafter be amended.

(b) In addition to the receipt required in subsection (a), an itemized invoice of actual fees charged by a towing-storage business for a completed towing and storage operation must be produced and be available to the vehicle or vessel owner no later than 1 business day after:

(1) The towing and storage operation is completed; or

(2) The towing-storage business has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing-storage business to complete the towing and storage operation.

(c) The itemized invoice required under subsection (b) shall contain all of the following information:

(1) The date and time the vehicle or vessel was towed;

(2) The location to which the vehicle or vessel was towed;

(3) The name, address, and telephone number of the towing-storage business;

(4) A description of the towed vehicle or vessel, including the color, make, model, model year, and vehicle identification number of the vehicle or hull identification number of the vessel;

- (5) The license plate number and state of registration for the towed vehicle or vessel;
- (6) The cost of the initial towing service itemized by category as listed in the maximum rates resolution;
- (7) The cost of any storage fees, expressed as a daily rate, and itemized by category as listed in the maximum rates resolution;
- (8) Other fees, including administrative fees, vehicle or vessel search fees, fees for hazardous material and nonhazardous material cleanup, and fees for labor;
- (9) A list of the services that were performed under a warranty or that were otherwise performed at no cost to the vehicle or vessel owner; and
- (10) Any service performed or fee charged in addition to those described in subsection (c)(6) or subsection (c)(7) must be set forth on the itemized invoice required under subsection (c) individually as a single line item that includes an explanation of the service or fee and the exact amount charged for the service or the exact amount of the fee.

Sec. 11-295. Towing directly to storage facility; relay towing prohibited.

Any towed vehicle or vessel shall be towed directly to the storage facility operated by the towing-storage business, and shall not be kept in any temporary holding area. The practice of relay towing is prohibited. For purposes of this section, the term “relay towing” refers to the act of towing a vehicle or vessel to an alternate location other than the storage facility in order to simultaneously remove multiple vehicles or vessels in a reduced amount of time, then later transporting all vehicles to the storage facility.

Sec. 11-296. Responsibility of towing-storage business related to wrecker operator compliance.

The towing-storage business shall be responsible for ensuring that its wrecker operators comply with the requirements set forth in division 2 pertaining to the performance of any trespass towing and storage operations or any nonconsensual towing and storage operations under the wrecker operator system. Any violation of division 2 pertaining to a wrecker operator’s compliance shall subject the towing-storage business to the enforcement and penalties provisions in this article.

Secs. 11-297 – 11-299. Reserved.

Subdivision II. Wrecker Operator System.

Sec. 11-300. CDA duties and responsibilities.

The Consolidated Dispatch Agency shall act as the County’s designated agent for purposes of administering and implementing the rotation schedule in accordance with this subdivision.

1 **Sec. 11-301. Rotation schedule.**

- 2 (a) A rotation schedule shall be maintained and administered by the CDA in accordance with the
3 Sheriff's written procedures and protocol for fairly apportioning the nonconsensual towing and
4 storage assignments in the wrecker operator system among the approved and authorized
5 towing-storage businesses.
- 6 (b) The rotation schedule shall be developed and maintained consistently with the following
7 guidelines and eligibility requirements:
- 8 (1) If a towing-storage business timely responds to an assignment under the wrecker
9 operator system and, for any reason, the assignment is cancelled without the tow being
10 performed, the towing-storage business shall remain at the top of the rotation schedule
11 for the next available assignment.
- 12 (2) If, after a towing-storage business arrives at the scene of an assignment under the
13 wrecker operator system, it becomes a no-tow assignment because the vehicle or vessel
14 owner, as provided in § 323.002(6), Fla. Stat. (2024), contacts a towing-storage business
15 of their choice to perform the assignment, the initially assigned towing-storage business
16 shall remain at the top of the rotation schedule for the next available assignment.
- 17 (3) If a towing-storage business responds to an assignment under the wrecker operator
18 system and performs only a service call, it shall remain at the top of the rotation schedule
19 for the next available assignment. For purposes of this subsection, the term "service
20 call" means an assignment that involves services other than towing or storage including,
21 but not limited to, winching onto a roadway of an otherwise operable vehicle, flat tire
22 replacement, vehicle restarting assistance, and vehicle unlocking.
- 23 (4) If, as provided in § 323.002(6), Fla. Stat. (2024), a vehicle or vessel owner contacts a
24 towing-storage business of their choice to perform the assignment, and the chosen
25 towing-storage business is on the rotation schedule, said towing-storage business
26 performing the assignment shall maintain its position on the rotation schedule.
- 27 (5) Except as otherwise provided herein, after the effective date of this article, any
28 towing-storage business on the rotation schedule must have its storage facility located
29 in Leon County. Any towing-storage business listed in the rotation schedule on the
30 effective date of this article shall be exempt from this requirement until such time that
31 it is, for any reason, permanently removed from the rotation schedule.
- 32 (6) After the effective date of this article, any towing-storage business on the rotation
33 schedule must be available 24 hours per day, seven days per week, to receive towing
34 and storage assignment calls from CDA; provided, however, such towing-storage
35 business may provide notification to CDA of a temporary period of unavailability.
- 36 (7) An eligible towing-storage business shall provide to CDA one primary and one
37 secondary telephone number at which it can directly receive towing and storage
38 assignment calls from the CDA. An answering service or pager shall not be permitted to
39 serve as the required telephone numbers.

- (8) The towing-storage business must respond to the towing and storage assignment with a wrecker designed and equipped to properly accommodate the loaded weight of the vehicle or vessel to be towed. Failure to comply with this requirement shall result in a cancellation of the assignment and the placement of the towing-storage business at the end of the rotation schedule.
- (9) For assignments involving multiple vehicles or vessels, the CDA shall implement the rotation schedule as follows:

 - a. The towing-storage business next in line on the rotation schedule shall be advised of the number of wreckers needed to tow all vehicles involved, and shall be given the option of towing all of the vehicles if it maintains a sufficient number of wreckers to accomplish the task.
 - b. If said towing-storage business lacks sufficient number of wreckers to tow all the vehicles or vessels involved, it shall nevertheless be given the assignment and additional towing-storage businesses shall be called as needed from the rotation schedule.
 - c. The first assigned towing-storage business shall have the choice of vehicles or vessels to be towed, unless its wrecker operator does not arrive at the assignment location within the standard response time, in which case the law enforcement officer at the scene shall assign vehicles or vessels to the other wrecker operators as available.
 - d. The first wrecker operator to arrive at the assignment location may, for safety reasons, be required by the law enforcement officer at the scene to temporarily move multiple vehicles or vessels from the roadway, for which no fee shall be charged. However, such activity shall not adversely affect said wrecker operator's choice of vehicles or vessels to tow.
- (10) The Sheriff, or designee, shall not be allowed to limit the number of towing-storage businesses to be included in the rotation schedule.

Sec. 11-302. Authorized and unauthorized wrecker operators.

As used in this subdivision, and for the purpose of enabling the State's enforcement of the penalty provisions set forth in § 323.002, Fla. Stat. (2024), or as that section may hereafter be amended, the terms "authorized wrecker operator" and "unauthorized wrecker operator" shall have the following meanings ascribed to them:

- (a) Upon being issued an operating license and being added to the rotation schedule, a towing-storage business and its wrecker operators shall be deemed to be "authorized wrecker operators," as defined in § 323.002(1)(a), Fla. Stat. (2024), or as that section may hereafter be amended.
- (b) Regardless of whether it has a valid operating license, any towing-storage business, including its wrecker operators, that has not been added to the rotation schedule shall be deemed to be

“unauthorized wrecker operators,” as defined in § 323.002(1)(b), Fla. Stat. (2024), or as that section may hereafter be amended.

Sec. 11-303. Required procedures for authorized wrecker operators.

Any authorized wrecker operator responding to the location of a towing assignment shall comply with the following requirements:

- (a) They shall have their wrecker operator ID card in their possession;
- (b) They shall tow and store only the vehicle or vessel as directed by the law enforcement officer at the scene;
- (c) They shall be thoroughly familiar with the operation of the wrecker they are operating; and
- (d) They shall be equipped with a cellular telephone enabling them to communicate from any point within the County.

Sec. 11-304. Standard response time; delay notification requirement.

(a) A wrecker operator responding to a towing and storage assignment under the wrecker operator system shall be expected to arrive at the assignment location within the standard response time. If, however, the wrecker operator encounters any situation that will cause an anticipated delay in arrival beyond the standard response time, the wrecker operator, or their associated towing-storage business, shall immediately notify the CDA of such anticipated delay. Upon such notification, the CDA shall proceed as follows:

- (1) The CDA shall determine, based on the wrecker operator’s proximity to the assignment location and the urgency of the assignment, if the assignment should be cancelled and transferred to the next towing-storage business on the rotation schedule, or if the wrecker operator should continue to the assignment location.
- (2) If, after being provided appropriate notification of the delay, the CDA cancels the assignment, the towing-storage business shall remain at the top of the rotation schedule for the next available assignment.

(b) The failure to provide appropriate notification of any delay in arrival at the assignment location beyond the standard response time shall be deemed to be a violation, and shall subject the towing-storage business to enforcement and penalties as provided in this article.

Sec. 11-305. Use of CDA software.

Upon the transition by the CDA to any software or technology upgrades intended to assist with its administration and implementation of the rotation schedule, all towing-storage businesses and their wrecker operators, as applicable, shall be required to participate in the use of such software and technology. Failure to participate shall result in such towing-storage business and its wrecker operators being removed from the rotation schedule.

Secs. 11-306 – 11-309. Reserved.

Subdivision III. Trespass Towing and Storage.

Sec. 11-310. Tow-away signs; exemptions.

(a) Except as otherwise provide herein, it shall be unlawful for any property owner to initiate a trespass towing and storage operation from their property without first posting a tow-away sign meeting the following requirements:

(1) It shall be consistent with the requirements of § 715.07(2)(a)5., Fla. Stat. (2024), or as that section may hereafter be amended; and

(2) It shall clearly indicate the hours during which trespass towing and storage of wrongfully parked vehicles and vessels may be performed, including up to 24 hours per day as applicable.

(b) Consistent with State law, the tow-away sign requirements of this section shall not apply under the following circumstances:

(1) If the property on which the vehicle or vessel is wrongfully parked is appurtenant to and obviously a part of a single-family residence;

(2) If notice is personally given to the vehicle or vessel owner that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels, and that the vehicle or vessel is subject to being removed at the vehicle or vessel owner's expense;

(3) If a business with 20 or fewer parking spaces prominently displays a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not fewer than 4-inch high, light-reflective letters on a contrasting background;

(4) If a vehicle or vessel is parked in such a manner that restricts the normal operation of a business, the business owner or lessee may authorize the towing and storage of such vehicle or vessel;

(5) If a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway, the property owner may initiate the towing and storage of such vehicle or vessel upon signing an order to do so;

(6) If the property on which a vehicle or vessel is wrongfully parked is owned by any governmental entity;

(7) If it is determined by law enforcement, firefighting, rescue squad, ambulance, or other such emergency personnel that the wrongfully parked vehicle or vessel presents an emergency, and a trespass towing and storage operation is initiated by such emergency personnel in the interest of safety.

Sec. 11-311. Property owner agreements for trespass towing and storage.

It shall be unlawful for any towing-storage business to perform any trespass towing and storage operations without a fully executed written agreement with the property owner which, if entered into after the effective date of this article, satisfies the following minimum requirements:

- (a) It shall state the duration of the agreement;
- (b) It shall state the time of day, and days of the week, during which trespass towing and storage operations may be performed;
- (c) If roam towing is authorized, it shall state that the designated hours for roam towing are 7:00 p.m. to 7:00 a.m.
- (d) It shall state the current rates to be charged to the vehicle or vessel owner for the trespass towing and storage operations;
- (e) It shall state that the parties to the agreement are in compliance with the terms and conditions set forth in this subdivision and in § 715.07, Fla. Stat. (2024), or as that section may hereafter be amended; and
- (f) A copy of it, and any amendments thereto, shall be kept on file with the towing-storage administrator.

Sec. 11-312. Multifamily property; property owner's verification and written instruction; roam towing exception.

(a) Except as otherwise provided herein, it shall be unlawful for any towing-storage business or wrecker operator to perform any trespass towing and storage operations on a multifamily property without the property owner's on-site written instruction and verification to the assigned wrecker operator that the vehicle or vessel is wrongfully parked on, or blocking access to, the property owner's property. If the property owner is unavailable on the site, the following procedure may be used in lieu of the property owner's on-site written instruction and verification:

- (1) The assigned wrecker operator may photograph the wrongfully parked vehicle or vessel and deliver the photograph to the property owner via email or text message for verification.
- (2) Upon the property owner's verification to the assigned wrecker operator that the vehicle or vessel is wrongfully parked on, or blocking access to, the property, the required written instruction to perform the towing and storage operation may be satisfied with the property owner's reply email or text message to the assigned wrecker operator.
- (3) A copy of all such emails or text messages, together with any attachments, associated with the property owner's verification and written instruction shall be maintained by the assigned towing-storage business for a period not less than two years after the date of the towing and storage operation. Upon any request by the towing-storage administrator

or the vehicle or vessel owner, said copies shall be provided no later than 72 hours after said request.

(b) The requirements of this section shall not apply to any roam towing operations performed by a towing-storage business or wrecker operator; provided, however, that such roam towing operations shall satisfy the following requirements:

(1) Such operations may be performed only on a multifamily property;

(2) The tow-away sign, in addition to the requirements set forth in this subdivision, shall clearly indicate, in not fewer than 2-inch high, light-reflective letters on a contrasting background, that roam towing may be performed during hours of 7:00 p.m. to 7:00 a.m. per Leon County Code section 11-312.

(3) The wrongfully parked vehicle or vessel shall be photographed prior to its towing and a copy of said photograph shall be maintained by the towing-storage business for a period not less than two years after the date of the towing and storage operation. Upon any request by the towing-storage administrator or the vehicle or vessel owner, said copies shall be provided no later than 72 hours after said request. The photograph shall depict the wrongful way in which the vehicle or vessel is parked, and shall include a stamp of the actual date and time at which the photograph was taken.

(4) The property owner shall provide notice of the utilization of roam towing, as follows:

a. If the multifamily property is other than a common area maintained, or otherwise in control of, a condominium association, homeowners' association, or property owners' association, any lease documents, including amendments thereto, pertaining to said multifamily property and executed after the effective date of this article shall contain a notice provision stating that the property utilizes roam towing, together with the parking rules, which, when violated, will result in towing.

b. If the multifamily property is a common area maintained, or otherwise in control of, a condominium association, homeowners' association, or property owners' association, any governing documents, including any amendments thereto, pertaining to said multifamily property and executed after the effective date of this article shall contain a notice provision stating that the property utilizes roam towing, together with the parking rules which, when violated, will result in towing.

(5) The wrecker operator assigned to the towing and storage operation shall maintain in the wrecker a copy of the parking rules pertaining to the multifamily property from which the wrongfully parked vehicle or vessel is to be towed, to be referred to as needed.

(6) A sign shall be posted at the entrance or entrances to the multifamily property which provides the on-site location of the parking rules, and which shall be accessible and legible at all times to any residents or guests.

Sec. 11-313. Towing from establishments licensed to sell alcoholic beverages for consumption on the licensed premises providing on-site parking.

(a) It shall be unlawful for a property owner of a property occupied by an establishment licensed to sell alcoholic beverages for consumption on the licensed premises, which also provides on-site parking on said property, to cause any vehicle parked on such property to be towed and stored during the hours of 2:00 a.m. to 10:00 a.m., unless said property owner has provided on-site written instruction and verification to the assigned wrecker operator that the vehicle is either wrongfully parked on the property the vehicle is preventing ingress and egress to or from the property, or the vehicle is blocking access to a fire hydrant or sanitation receptacle on the property.

(b) Any property owner of a property occupied by an establishment licensed to sell alcoholic beverages for consumption on the licensed premises, which also provides on-site parking, shall post a sign on the property meeting the following requirements:

(1) It must contain a notice in substantially the following form: Know Your Rights: your vehicle cannot be legally towed off this property during the hours of 2 a.m. to 10 a.m. unless the owner, lessee or authorized employee provides written instruction and verification to the assigned wrecker operator that your vehicle is wrongfully parked on the property.

(2) It must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, no more than five feet from the public right-of-way line.

(3) It must use 2-inch high, light-reflective letters on a contrasting background.

(4) It must be posted in addition to any tow-away sign required to be posted pursuant to this subdivision.

Sec. 11-314. Responsibility of towing-storage business related to property owner compliance.

The towing-storage business shall be responsible for ensuring a property owner's compliance with this subdivision before performing any trespass towing and storage operation associated with that property owner's property. Any violation of this subdivision pertaining to a property owner's compliance, including, but not limited to, tow-away signs, property owner agreements, or a property owner's written instruction and verification, shall subject the towing-storage business to the enforcement and penalties provisions as may be provided in this article.

Secs. 11-315 – 11-319. Reserved.

DIVISION 3. MAXIMUM RATES

Sec. 11-320. Intent, purpose, and scope.

(a) The intent and purpose of this division is to establish a schedule of the maximum rates which may be charged by a towing-storage business or wrecker operator for the nonconsensual towing

and storage of vehicles and vessels, in accordance with § 125.0103(c), Fla. Stat. (2024), or as that section may hereafter be amended.

(b) The omission from the maximum rates of the following fees shall not prohibit a towing-storage business from charging such fee to a vehicle or vessel owner:

(1) Any administrative or other fee permitted by State law as chargeable by a towing-storage business to a vehicle or vessel owner;

(2) A fee of not more than one-half of the vehicle towing rate, as listed in the published maximum rates resolution, for any trespass towing and storage operation that results in a no-tow assignment, as provided in § 715.07(2)(a)3., Fla. Stat. (2024), or as that section may hereafter be amended, a violation of which shall be punishable as provided in § 715.07, Fla. Stat. (2024), or as that section may hereafter be amended.; and

(3) Any fee to cover the cost of parts and materials used in any vehicle repairs authorized by a vehicle or vessel owner to be performed at the assignment location.

(c) This division shall be limited to the maximum rates for the following nonconsensual towing and storage operations:

(1) Any trespass towing and storage operation;

(2) Any nonconsensual towing and storage operation performed under the wrecker operator system.

Sec. 11-321. Maximum rates resolution; publication on County website.

(a) The schedule of maximum rates for nonconsensual towing and storage operations, within the scope of this division, shall be established with the Board's adoption of a maximum rates resolution. Any amendments to the adopted maximum rates resolution shall likewise be by Board resolution.

(b) The maximum rates schedule shall not be amended more frequently than once per calendar year, unless a more frequent amendment is deemed necessary due to a change in Federal or State law.

(c) The maximum rates resolution shall list the maximum rates for trespass towing and storage operations in a schedule separately from the schedule of maximum rates for nonconsensual towing and storage operations performed under the wrecker operator system.

(d) The schedules of maximum rates in the maximum rates resolutions shall provide itemized categories for each type of service in sufficient detail to avoid ambiguity and to be used in preparing the detailed invoice for payment as required in this article.

(e) The current maximum rates resolution shall be published on the County's website, in accordance with § 125.0103(d), Fla. Stat. (2024), or as that section may hereafter be amended.

Sec. 11-322. Charging excess rates prohibited; process for investigating and resolving complaints.

(a) It shall be unlawful for a towing-storage business or wrecker operator, performing nonconsensual towing and storage operations within the scope of this division, to charge a vehicle or vessel owner an amount in excess of the maximum rates as shown on the published maximum rates resolution.

(b) In accordance with § 125.0103(d), Fla. Stat. (2024), or as that section may hereafter be amended, the established process for investigating and resolving any complaints regarding fees charged in excess of the maximum rates shall be as follows:

(1) Any complaint received by the County or Sheriff shall be transmitted in writing to the code inspector; and

(2) The code inspector shall investigate the complaint and, if necessary, initiate an enforcement proceeding as set forth in division 4 of this article.

Secs. 11-323 – 11-329. Reserved.

DIVISION 4. ENFORCEMENT

Sec. 11-330. Intent, purpose, and scope.

(a) The intent and purpose of this division is to promote, protect, and improve the health, safety, and welfare of the citizens of Leon County by creating the administrative office of special magistrate with the authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing the provisions of this article when a pending or repeated violation continues to exist.

(b) The scope of this division is limited to the enforcement of violations by towing-storage businesses that have obtained a valid operating license or that are in the process of renewing an expired operating license. Violations by towing-storage businesses that have refused to seek approval of a valid operating license shall be subject to the enforcement provisions and penalties as provided in section 1-9.

Sec. 11-331. Special magistrate for code enforcement; designation of code inspectors.

(a) There is hereby created the office of special magistrate, as provided in this article. The office of special magistrate may be abolished by ordinance.

(b) The authority of the special magistrate shall be limited to enforcement of violations of the provisions of this article.

(c) The special magistrate shall be a member of the Florida Bar in good standing with a minimum of five years' experience as an attorney.

- (d) The Sheriff, or designee, acting the County's agent, shall designate the appropriate LCSO staff person, or persons, as a code inspector to ensure compliance with the provisions of this article. Any designee of the Sheriff shall be established in writing.

Sec. 11-332. Enforcement procedure.

- (a) Code inspector initiation of proceeding:

(1) It shall be the duty of the code inspector to initiate enforcement proceedings of the various provisions of this article; however, the special magistrate shall not have the power to initiate such enforcement proceedings.

(2) The code inspector may not initiate enforcement proceedings for a potential violation by way of an anonymous complaint. A person who reports a potential violation of a code provision must provide his or her name and address to the code inspector before an enforcement proceeding may occur. This paragraph does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare.

- (b) Except as provided in subsections (c) and (d) of this section, if a violation of a code provision is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the special magistrate and request a hearing. The special magistrate, through his or her clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 11-337 to the violator. At the option of the special magistrate, notice may additionally be served by publication or posting as provided in section 11-337. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the special magistrate even if the violation has been corrected prior to the special magistrate hearing, and the notice shall so state.

- (c) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the special magistrate and request a hearing. The special magistrate, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 11-337. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the special magistrate hearing, and the notice shall so state.

- (d) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the special magistrate and request a hearing.

- (e) The burden is on the County to show, by preponderance of the evidence, that a violation has occurred.

1 **Sec. 11-333. Hearing procedure.**

- 2 (a) The special magistrate may convene code compliance hearings. The special magistrate may, at
3 any hearing, set a future hearing date.
- 4 (b) The special magistrate shall conduct a code compliance hearing as often as the caseload
5 demands dictate.
- 6 (c) Minutes shall be kept of all hearings held by the special magistrate and all such hearings shall
7 be open to the public.
- 8 (d) The County Administrator shall provide clerical and administrative personnel as may be
9 required to assist the special magistrate in the proper performance of his or her duties.
- 10 (e) Each case before the special magistrate shall be presented by a representative of the County.
- 11 (f) Cases scheduled for a particular day shall be heard. All testimony shall be under oath and shall
12 be recorded. At the code compliance hearing, the special magistrate shall take testimony from
13 the code inspector, the alleged violator, and any other person familiar with the case or having
14 knowledge about the case. The special magistrate shall not be bound by any formal rules of
15 evidence; however, he or she shall act to ensure fundamental due process in each case brought
16 before the special magistrate.
- 17 (g) At the conclusion of the code compliance hearing, the special magistrate shall issue a code
18 compliance order, including findings of fact, based on evidence of record, conclusions of law,
19 and an order requiring compliance and affording the proper relief consistent with powers
20 granted herein if a violation is found. The code compliance order will include a notice that it
21 must be complied with by a specified date, that a fine, suspension, or other noncriminal penalty
22 may be imposed if the order is not complied with by such date, specifying how any fine,
23 suspension, or other noncriminal penalty will be calculated, and, if the violation concerns real
24 property, that a lien will be imposed on the property. If the violation was corrected after
25 scheduling of the code compliance hearing but before such hearing, the special magistrate may
26 enter a code compliance order finding that the violation occurred and has been resolved, and
27 order closing of the file. The special magistrate shall provide the code compliance order by
28 certified mail to the violator. A certified copy of such order may be recorded in the public
29 records of the County and shall constitute notice to any subsequent purchasers, successors in
30 interest, or assigns if the violation concerns real property, and the terms therein shall be binding
31 upon the violator and, if the violation concerns real property, any subsequent purchasers,
32 successors in interest, or assigns. If a code compliance order is recorded in the public records
33 pursuant to this subsection and the order is complied with by the date specified in the order, the
34 special magistrate shall issue an order acknowledging code compliance that shall be recorded
35 in the public records. A hearing is not required to issue such an order acknowledging
36 compliance. The special magistrate may at the time of the code compliance hearing enter the
37 order imposing any fine, suspension, other criminal penalty, or lien described in section 11-
38 333(i) in the event the violator fails to comply with any one or more of the requirements set
39 forth in the code compliance order.

- (h) If the violator fails to comply with any one or more of the requirements set forth in the code compliance order issued by the special magistrate by the corresponding compliance deadline, the County will send notice by certified mail to the violator advising that the violator has failed to comply with the code compliance order and, if the violator remains out of compliance with the code compliance order, will be subject to penalties in the form of a fine, suspension, or other noncriminal penalty and, if the violation concerns real property, that a lien as determined will be imposed on the property. The violator shall have 20 days from the date of the notice of non-compliance to file a request for a compliance review hearing before the special magistrate to challenge the determination of non-compliance with the code compliance order, validity of the penalties, or the imposition of the lien. Such request for a compliance review hearing shall be filed with the code inspector, who will notice the case for hearing. Failure to timely file a request for a compliance review hearing will be deemed a waiver of the right to challenge the determination of non-compliance in the code compliance order, validity of the penalties, or the imposition of a lien.
- (i) If the violator fails to timely file a request for a compliance review hearing, the County will submit an affidavit of non-compliance to the special magistrate. Upon receipt of the affidavit of non-compliance, and confirmation that the violator waived the right to request a hearing to contest non-compliance, validity of the penalties, or the imposition of a lien, the special magistrate may execute an order imposing a fine, suspension, or other noncriminal penalty which will be filed against the violator immediately. If the violation concerns real property, any fines established by the order imposing fine shall constitute a lien against the property.
- (j) Any case may be continued by the special magistrate for good cause shown. If the special magistrate's consideration of a case has already been publicly noticed, the special magistrate may grant a continuance prior to the meeting at which a case is to be heard, provided that the request is unopposed by all parties. The continuance shall be announced during the publicly noticed hearing.

Sec. 11-334. Powers, generally.

The special magistrate shall have the power to:

- (a) Adopt rules for the conduct of the hearings held pursuant to section 11-333.
- (b) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the county sheriff.
- (c) Subpoena evidence.
- (d) Take testimony under oath.
- (e) Issue orders following a hearing, which orders shall have the force of law and shall set forth the steps necessary to be accomplished in order to bring a violation into compliance with the code that has been violated.
- (f) Assess administrative fines and impose liens on real and personal property pursuant to chaps. 162 and 125, Fla. Stats. (2024), or as those chapters may hereafter be amended

Sec. 11-335. Administrative fines and other noncriminal penalties.

(a) As set forth in section 11-333, when a code compliance order has not been complied with by the set time or, upon finding that a repeat violation has been committed, the special magistrate shall impose upon the violator the fines or other noncriminal penalties in the amounts and manner as set forth in division 5. Where a finding of a violation or a repeat violation has been made at a code compliance hearing and the violator has failed to timely request a compliance review hearing as provided in Section 11-333(h), a hearing shall not be necessary for issuance of the order imposing the fine or other noncriminal penalty.

(b) A certified copy of an order imposing a fine or other noncriminal penalties shall be recorded in the public records and, if the violation concerns real property, shall thereafter constitute a lien against the property on which the violation exists. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of the state, but such order shall not be deemed to be a court judgment except for enforcement purposes. Any fine imposed on a per day basis pursuant to this division shall continue to accrue until the violator comes into compliance or, if the violation concerns real property, until judgment is rendered in a suit to foreclose on a lien filed pursuant to this division, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the special magistrate may authorize the County Attorney to foreclose on the lien. No lien created pursuant to the provisions of this division may be foreclosed on real property which is a homestead under art. X, § 4, Fla. Const. A lien arising from a fine imposed pursuant to this division runs in favor of the County, and the County may execute a satisfaction or release of lien entered pursuant to this division.

Sec. 11-336. Appeals.

An aggrieved party, including the County, may appeal a final administrative order of the special magistrate to the circuit court. An appeal shall be filed within 30 days of the rendition of the order to be appealed.

Sec. 11-337. Notices.

(a) All notices required by this division shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the Sheriff, code inspector or other person designated by the Board; by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or, in the case of commercial premises, leaving the notice with the manager or other person in charge.

(b) If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subsection (d) of this section.

(c) In addition to providing notice as set forth in subsection (a) of this section, at the option of the special magistrate, notice may also be served by publication as follows:

(1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The

newspaper shall meet such requirements as are prescribed under chap. 50, Fla. Stats (2024), or that chapter may hereafter be amended, for legal and official advertisements.

(2) Proof of publication shall be made as provided in §§ 50.041 and 50.051, Fla. Stats. (2024), or as those sections may hereafter be amended.

(d) In lieu of publication as described in subsection (c) of this section, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, at the property upon which the violation is alleged to exist and at the front door of the courthouse or the main county governmental center.

(e) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsections (c) and (d) of this section, shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice. Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand delivery or by mail as required under subsection (a) of this section.

Sec. 11-338. Enforcement by alternate means.

Nothing in this article shall be construed to prohibit the County from enforcing this article by alternate means including, but not limited to, the enforcement provisions and penalties as provided in section 1-9.

Secs. 11-339. Reserved.

DIVISION 5. PENALTIES

Sec. 11-340. Intent, purpose, and scope.

(a) The intent and purpose of this division is to provide guidance to the special magistrate in determining the amount of any fine or other noncriminal penalties for violations of this article.

(b) The scope of this division is limited to the imposition of fines and other noncriminal penalties by the special magistrate for violations of this article. These penalties shall be supplemental to any penalties provided by State law for similar violations.

Sec. 11-341. Designation of violations; amount of fines.

(a) Violations of this article shall be designated, according to severity, as either a Level 1, Level 2, or Level 3 violation. The fines to be imposed for each type of violation shall be as follows:

(1) Level 1 violation: \$100.00

(2) Level 2 violation: \$150.00

(3) Level 3 violation: \$250.00

(b) The fines imposed for a repeat violation shall be as follows:

- 1 (1) Level 1 repeat violation: \$200.00
- 2 (2) Level 2 repeat violation: \$300.00
- 3 (3) Level 3 repeat violation: \$500.00
- 4 (c) The designations for violations of this article shall be as set forth in the following table:

Description of Violation	Level 1	Level 2	Level 3
Any violation of Sec. 11-292, pertaining to operating license approval, issuance, and renewal			✓
Any violation of Secs. 11-294(b) or 11-294(c), pertaining to receipt for payment by vehicle or vessel owner			✓
Any violation of Sec. 11-295, pertaining to towing directly to storage facility and prohibiting relay towing		✓	
Any violation of Sec. 11-301(b), pertaining to rotation schedule guidelines and eligibility requirements	✓		
Any violation of Sec. 11-303, pertaining to required procedures for authorized wrecker operators	✓		
Any violation of Sec. 11-304, pertaining to standard response time and delay notification requirement	✓		
Any violation of Sec. 11-305, pertaining to use of CDA software	✓		
Any violation of Sec. 11-310(a), pertaining to tow-away signs		✓	
Any violation of Sec. 11-311, pertaining to property owner agreements for trespass towing and storage		✓	
Any violation of Sec. 11-312, pertaining to multifamily property owner's verification and written instruction, and roam towing exception			✓
Any violation of Sec. 11-313, pertaining to towing from establishments licensed to sell alcoholic beverages for consumption of the licensed premises providing on-site parking			✓
Any violation of Sec. 11-322(a), pertaining to charging in excess of maximum rates			✓

5
6 **Sec. 11-342. Failure to timely pay fines; suspension and revocation.**

- 7 (a) Upon a towing-storage business's failure to timely pay a fine as directed in a code compliance
- 8 order, the operating license of said towing-storage business shall be suspended until such fine

1 is paid. The suspended towing-storage business shall be prohibited from performing any
 2 trespass towing and storage operations, or any nonconsensual towing and storage operations
 3 under the wrecker operator system, for the duration of the suspension.

4 (b) If a towing-storage business's suspension continues for 90 days, the operating license of said
 5 towing-storage business shall be revoked for a period of one year, during which time the
 6 towing-storage business shall be prohibited from performing any trespass towing and storage
 7 operations, or any nonconsensual towing and storage operations under the wrecker operator
 8 system, for the duration of the revocation.

9 (c) Upon the expiration of a one-year revocation period, a towing-storage business may seek
 10 approval of an operating license pursuant to the application process set forth in section 11-292.

11 **Sec. 11-343. Excess fee violation; reimbursement to vehicle or vessel owner.**

12 Upon the special magistrate's finding that a towing-storage business charged a vehicle or vessel
 13 owner in excess of the maximum rates as shown on the published maximum rates resolution, the code
 14 compliance order, in addition to imposing the fine set forth in section 11-341(c), shall direct the
 15 towing-storage business to reimburse the vehicle or vessel owner in the amount found to be in excess
 16 of the maximum rates.

17 **Sec. 11-344. Violations by unlicensed towing-storage businesses; enforcement and penalties per**
 18 **section 1-9.**

19 The enforcement of violations of this article by a towing-storage business that has failed, or
 20 otherwise has refused, to seek approval of a valid operating license shall be excluded from the
 21 enforcement procedure in division 4 and, instead, shall be subject to the enforcement provisions and
 22 penalties as provided in section 1-9.

23 **Secs. 11-345 - 11-380. Reserved.**

24 **Section 3. Repeal of Code, Chapter 11, Article IX, Towing Services.**

25 All ordinances related to Chapter 11, Article IX, Towing Services, enacted before the effective
 26 date of this ordinance, and not included in the adoption herein of Article IX, Nonconsensual Towing
 27 and Storage of Vehicles and Vessels, or recognized and continued in force by reference therein, are
 28 repealed.

29 **Section 4. Conflicts.**

30 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby
 31 repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon
 32 County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this
 33 ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 5. Severability.

If any word, phrase, clause, section, or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 6. Effective Date.

Except as otherwise provided herein, this ordinance shall be effective at 12:01 a.m. on August 1, 2025. Division 3 of this article, pertaining to maximum rates, shall become effective upon the filing of this ordinance with the Florida Secretary of State.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 13 day of May, 2025.

LEON COUNTY, FLORIDA

Signed by:
By: Brian Welch
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Brian Welch, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

DocuSigned by:
By: Gwendolyn Marshall Knight
178D7F95C3774F4...

Signed by:


APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

DocuSigned by:
By: Chasity H. O'Steen
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