

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AMENDMENT NO. 1 TO THE CITY'S ADMINISTRATIVE RULES AND REGULATIONS FOR POLICE AND PARKING TOWING PERMITS; SAID AMENDMENT NECESSARY TO CONFORM WITH CERTAIN PROVISIONS OF THE RULES AND REGULATIONS TO NEWLY ENACTED STATE LAW (HOUSE BILL NO. 179); AND FURTHER APPROVING AN INCREASE IN BEACH TOWING SERVICES, INC.'S AND TREMONT TOWING INC.'S (PERMITTEES) ADMINISTRATIVE FEE FOR NON-RESIDENT TOWS FROM THE CURRENT \$77, TO \$110 CONDITIONED ON THE PERMITTEES' AGREEMENT TO A \$50 FLAT RATE TOW FOR CITY RESIDENTS DURING FLOODS AND OTHER SPECIFIED SEVERE WEATHER EVENTS; WITH SAID AMENDMENT, INCREASED ADMINISTRATIVE FEES AND FLAT RATE TOWING FEES FOR RESIDENTS TO TAKE EFFECT ON JULY 1, 2024.

WHEREAS, Chapter 106, Article V, Division 2 of the City Code, provides for the issuance of towing permits for the towing of vehicles identified by the City as requiring removal from the public right of way (the "Police and Parking Towing Permits" or "Towing Permits"); and

WHEREAS, on June 22, 2022, pursuant to Resolution No. 2022-32206, the Mayor and City Commission approved the issuance of new Towing Permits to Beach Towing Services, Inc., and Tremont Towing, Inc., (the "Permittees"), for a three (3) year term, commencing August 1, 2022; and

WHEREAS, the City Code, also provides for the promulgation of rules and regulations, as may be necessary, to govern the discharge of towing and/or storage of vehicles identified by the City's Police Department or the City's Parking Departments as requiring removal from the public right of way (the "Administrative Rules and Regulations"); and

WHEREAS, the latest version of the Administrative Rules and Regulations was adopted on June 22, 2022, pursuant to Resolution No. 2022-32206; and

WHEREAS, on March 22, 2024, Governor Ron DeSantis signed into law Committee Substitute for House Bill No. 179, which will take effect on July 1, 2024 ("HB 179"); and

WHEREAS, HB 179 will impact towing companies and, specifically, the Permittees' operations by among other things: (1.) reducing the period for pending lien notices from seven (7) to five (5) days; (2.) clarifying that a rental car agreement shall not longer be considered as proof that a renter is an agent of the vehicle or authorized vehicle owner; (3.) establishing requirement for cities and counties to post their Maximum Allowable (Towing) Rates and rate dispute procedure on their governmental websites; (4.) establishing required forms of payment; and (5.) establishing miscellaneous other regulatory requirements; and

WHEREAS, after reviewing HB 179, it has been determined that several of the provisions in the Administrative Rules and Regulations conflict with HB 179; an amendment to the Rules and Regulations is therefore necessary to comply with State Law; and

WHEREAS, the Permittees have notified the City's Parking Department that their compliance with HB 179, together with sustained inflation and rising insurance, equipment, and labor costs, places an "untenable financial burden" on them; and

WHEREAS, as a result, the Permittees have represented that they can no longer afford the current \$77 (currently as of October 1, 2023 due to an increase in the Consumer Price Index ("CPI")) Administrative Fee; to remain financially viable, they have requested that the Mayor and City Commission approve an increase to the Administrative Fee charged for non-resident tows from the current \$77, to \$150, effective July 1, 2024.

WHEREAS, the Administrative Fee for City residents would remain at the current rate of \$77, and subject to future CPI increases; and

WHEREAS, to remain financially viable and to continue to provide the expected levels of service to the City, the Permittees have represented that they must increase the Administrative Fee, for non-City resident tows only, to \$150; and

WHEREAS, as a result of these discussions, the Administration and the Permittees have agreed to the following (subject to City Commission consideration):

- \$110 Administrative Fee, for non-City residents, which reflects a 43% increase from the current amount of \$77, and a 27% decrease from the Permittee's requested amount of \$150; and
- \$50 flat rate tow for City residents to any location within City limits as a result of a flood event, tropical storm, hurricane, or natural disaster, as indicated via a flash flood warning, flash flood emergency via the National Weather Service ("NWS") and/or a state of emergency declaration issued by the City, Miami-Dade County, State of Florida, and/or the United States government.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby:

- (1.) Approve Amendment No. 1 to the City's Administrative Rules and Regulations for Police and Parking Towing Permits; said amendment required in order to comply with State Law (newly enacted HB 179), and to take effect on July 1, 2024;
- (2.) As requested by the City's Towing Permittees, Beach Towing Services, Inc. and Tremont Towing, Inc., the Mayor and City Commission hereby approve an increase to the Administrative Fee, for non-resident tows only, from \$77 to \$110, with such increase to be effective on July 1, 2024; and
- (3.) In consideration of, and as a condition to, the Administrative Fee increase, the permittees have agreed to a \$50 flat rate tow for City residents to any location within City limits as a result of a flood event, tropical storm, hurricane, or natural disaster, as indicated via a flash flood warning, flash flood emergency via the National Weather Service ("NWS") and/or a state of emergency declaration issued by the City, Miami-Dade County, State of Florida, and/or the United States government.

PASSED and **ADOPTED** this ____ day of _____ 2024.

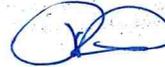
ATTEST

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

RW/DM/JRG

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6/18/2024

Date