

ATTACHMENT A

LAW OFFICES OF RAFAEL E. ANDRADE, P.A.

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Via Email: RickelleWilliams@miamibeachfl.gov

Ms. Rickelle Williams, City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 3319

Re: Committee Substitute for Committee Substitute for House Bill No. 179

Dear Manager Williams:

I represent the interests of Tremont Towing, Inc., and Beach Towing Services, Inc., (collectively, the “Tow Companies”) regarding their Towing Permit’s with the City. Committee Substitute for Committee Substitute for House Bill No. 179 was signed into law by Governor Ron DeSantis on March 22, 2024, and takes effect July 1, 2024 (“HB 179”). Enclosed, please find a copy of HB 179.

HB 179, among other things, impacts the Tow Companies existing operations by: (i) reducing the period for sending lien notices from 7 days to 5 days;¹ (ii) clarifying that a rental agreement is not evidence that a renter is an agent of the vehicle or vessel owner; (iii) establishing record keeping requirements; (iv) establishing required forms of payment; (v) and establishing miscellaneous regulatory requirements. Several sections of the Towing Permit conflict with HB 179 and must be amended to comply with the new law by July 1, 2024.

The Tow Companies compliance with HB 179 will increase their operating costs, which, together with sustained inflation and rising insurance, equipment, and labor costs, places an untenable financial burden on them. In this regard, it is vital to note that when the Towing Permits were issued in June 2022, the Tow Companies *voluntarily* agreed to discount the F.S. 713.78(15)(a) administrative fee from \$250 to \$75,² and to delay sending the lien notices by 36 hours.³ However, due to HB 179, the Tow Companies can no longer afford to so deeply discount the administrative fee, or to delay sending the lien notices. To comply with the new requirement to send lien notices within 5 days, and remain financially viable, the Tow Companies must adjust the administrative fee for *non-resident tows* to \$150 and eliminate the 36-hour waiting period. All other rates remain the same. Please note that even with this adjustment, the Tow Companies are still *voluntarily* discounting 40% off the \$250 administrative fee.

¹ Pursuant to Section 713.78(12)(a), Florida Statutes, any person who violates Section 713.78(4), Florida Statutes, is guilty of a misdemeanor of the first degree.

² Section 713.78(15)(a), Florida Statutes; Section 22(C)(3) of the Towing Permit (attached).

³ Section 22(C)(3) of the Towing Permit.

Enclosed, please find a proposed amendment to the Towing Permit for your review and consideration. As always, the Tow Companies are available to meet with the City to discuss the implementation of HB 179 and any other matters of concern to the City. The Tow Companies looks forward to continuing to serve the City and being an integral part of the City's public safety efforts.

Thank you for your attention to this matter.

Sincerely,

/s/ Rafael E. Andrade

Rafael E. Andrade

cc: Ricardo J. Dopico, City Attorney
David Martinez, Assistant City Manager
Jose R. Gonzalez, Parking Director
Alberto Ventura, Assistant Parking Director

3. Administrative Fee:

Pursuant to Section 713.78(2), Florida Statutes, whenever the Permittee impounds and/or stores a vehicle or vessel under this Permit, the Permittee has a lien on the vehicle or vessel for a reasonable towing fee, for a reasonable administrative fee or charge imposed by a county or municipality, and for a reasonable storage fee; except that a storage fee may not be charged if the vehicle or vessel is stored for fewer than 6 hours. Although Section 713.78(15)(a), Florida Statutes, authorizes Permittee to charge a \$250 administrative fee for releasing a claim of lien on an impounded vehicle or vessel, Permittee voluntarily agrees to charge only a \$75 administrative fee plus the actual costs of complying with Section 713.78, Florida Statutes. Such administrative fee may only be charged after the first thirty-six (36) hours of storage. "Administrative fee" as used in this Section 22(C)(3) shall have the same meaning ascribed to it in Section 713.78(15)(a), Florida Statutes. The administrative fee shall not be imposed on vehicles owned by Miami Beach Residents or vehicles with a "police hold" until or unless the hold is removed. In order to be eligible for the waiver of the \$75 administrative fee, residents must provide proof of residency within the City of Miami Beach, and their driver's license information must match the registration information of the towed vehicle.

4. City Permit Fee:

Permittee will impose and collect on behalf of the City a Permit Fee of \$30.00.

5. Indexing Provision:

A handwritten signature in black ink, consisting of a stylized, cursive letter 'A' or similar shape.