



Consent Section

Regular Section

Public Hearing

Subject: Conduct a Public Hearing to Consider Amending Hillsborough County Code of Ordinances and Laws, Chapter 50, Article VII (Trespass Towing, Immobilization, and Rates Ordinance 17-34, as amended), to comply with state law, provide for regulatory amendments that strengthen consumer protection, and reinforce industry best practices.

Department Name: County Attorney's Office

Contact Person: Whitney Green

Contact Phone: 813-272-5670

Sign-Off Approvals

Debora Cromartie-Mincey

7/24/2025

Managing County Attorney Date

Christine Beck 7/24/2025

County Attorney Date

Kevin Brickey 7/24/2025

Management and Budget – Approved Date
as to Financial Impact Accuracy

Joint Department Director Date

Whitney Green 7/24/2025

Assistant County Attorney Date

Staff's Recommended Board Motion:

Conduct a Public Hearing to Consider Amending Hillsborough County Code of Ordinances and Laws Chapter 50, Article VII (Trespass Towing, Immobilization, and Rates Ordinance 17-34, as amended) to comply with state law, provide for regulatory amendments that strengthen consumer protection, and reinforce industry best practices. There is no financial impact to the County to adopt the ordinance except for the cost to publish the required legal notices.

Financial Impact Statement:

There is no financial impact to the County to adopt the ordinance except for the cost to publish the required legal notices.

Background:

On June 4, 2025, the BOCC directed the County Attorney's Office to draft amendments to the Hillsborough County Trespass Towing, Immobilization and Rates Ordinance 17-34, as amended, ("the Ordinance") and corresponding Resolution R23-48 ("the Resolution") in accordance with a December 18, 2024, staff report. On July 16, 2025, the BOCC approved the draft amendment and authorized the County Attorney's Office to advertise and schedule a public hearing for August 6, 2025, at 10:00 a.m.

Attached hereto is the draft amendment revising the Ordinance to require towing/immobilization services to accept the methods of payment required by state law. It further eliminates the requirement that individual tow truck drivers obtain a Public Vehicle Driver's License ("PVDL") from the Tax Collector. However, pursuant to the County's authority under state law, tow truck drivers must still pass a criminal background check. Drivers who pass the background check will be issued a driver identification badge by the Tax Collector. Towing/immobilization businesses are still subject to the certification procedures outlined in the ordinance.

Pertinent to consumer protection and best regulatory practices, the amendment also imposes additional procedural requirements when towing or immobilizing a vehicle, updates insurance requirements, institutes parameters for suspensions for frequent violators, and authorizes customer refunds.

The application fees, renewal fees, and maximum allowable rates that may be charged for towing/immobilization services are set forth in corresponding Resolution R23-48. An amended Resolution will be presented to the BOCC for approval in a separate agenda item. The amendments to the Resolution address revisions necessary for consistency with the amended Ordinance, clarify the applicability of an after-hours fee, and sets forth civil penalties assessed for violation of the Ordinance. The maximum allowable towing rates will not be amended.

All advertising and other legal requirements have been met.

List Attachments:

[Draft Towing Ordinance Amendment](#)

ORDINANCE NO. 25-

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS CHAPTER 50, ARTICLE VII (ORDINANCE 17-34, AS AMENDED); AMENDING SECTION 50-173 PROVIDING FOR DEFINITIONS; AMENDING SECTION 50-174 PROVIDING FOR EXEMPTIONS; AMENDING SECTION 50-175 PROVIDING FOR POWERS AND DUTIES OF THE AGENCY UNDER THIS ARTICLE; AMENDING SECTION 50-176 PROVIDING FOR POWERS AND DUTIES OF THE DEPARTMENT UNDER THIS ARTICLE; AMENDING SECTION 50-177 PROVIDING FOR CERTIFICATE REQUIREMENTS; AMENDING SECTION 50-178 PROVIDING FOR VEHICLE PERMIT REQUIREMENTS; AMENDING SECTION 50-179 PROVIDING FOR PUBLIC VEHICLE DRIVER'S LICENSE ("PVDL") REQUIREMENTS; AMENDING SECTION 50-181 PROVIDING FOR PREREQUISITES TO AND REQUIREMENTS FOR TRESPASS TOWING FROM OR IMMOBILIZATION OF VEHICLES OR VESSELS ON PRIVATE PROPERTY; AMENDING SECTION 50-184 PROVIDING FOR CERTIFICATE, PERMIT AND PUBLIC VEHICLE DRIVER'S LICENSE RENEWAL REQUIREMENTS; AMENDING SECTION 50-185 PROVIDING FOR ADDITIONAL CERTIFICATE, PERMIT AND PUBLIC VEHICLE DRIVER'S LICENSE RELATED REQUIREMENTS; AMENDING SECTION 50-188 PROVIDING FOR GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF PUBLIC VEHICLE DRIVER'S LICENSE; AMENDING SECTION 50-189 PROVIDING FOR DUE PROCESS IN THE EVENT OF THE DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATES, PERMITS, AND PUBLIC VEHICLE DRIVER'S LICENSES; AMENDING SECTION 50-190 PROVIDING FOR PROHIBITED CONDUCT; AMENDING SECTION 50-192 PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; AMENDING SECTION 50-193 PROVIDING FOR APPOINTMENT OF HEARING OFFICERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR FILING OF ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, authorizes the Hillsborough County Board of County Commissioners (“BOCC”) to provide for the citizens of said County standards which ensure their health, safety, and welfare; and

WHEREAS, the BOCC enacted Ordinance No. 17-34 (“the Ordinance”), codified as Hillsborough County Code of Ordinances and Laws, Chapter 50, Article VII, Sections 50-171 through 50-199, to provide for regulation of trespass and non-consensual towing and immobilization services; and

WHEREAS, the BOCC adopted Ordinance No. 18-17, providing for comprehensive amendments to the Ordinance, Ordinance No. 19-16, providing for additional tow truck driver

47 requirements, and Ordinance No. 23-8, providing for an update to required methods of payment;
48 and

49
50 **WHEREAS**, the Florida Legislature has since amended section 713.78, Florida Statutes,
51 to regulate methods of payment for towing services and further enacted section 163.211, Florida
52 Statutes, preempting the licensing of occupations to the state unless authorized by general law; and
53

54 **WHEREAS**, section 715.07, Florida Statutes, expressly recognizes the power of counties
55 to enact certain towing regulations including the right to regulate rates when vehicles or vessels
56 are towed without the consent of the owner or operator; and
57

58 **WHEREAS**, the BOCC continues to acknowledge that towing and immobilization
59 services, which are frequently provided without the prior consent of the vehicle owner, or under
60 exigent circumstances, require regulation consistent with the authority granted by general law; and
61

62 **WHEREAS** the BOCC has determined that the Ordinance should be further amended to
63 comply with state law and to better provide for the health, safety, and welfare of the County's
64 citizens.
65

66 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
67 COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:**

68
69 **Chapter 50, Article VII, Sections 50-173, 50-174, 50-175, 50-176, 50-177, 50-178, 50-
70 179, 50-181, 50-184, 50-185, 50-188, 50-189, 50-190, 50-192, and 50-193 of the Hillsborough
71 County Code of Ordinances and Laws, are hereby amended as follows:**

72
73 **ARTICLE VII. – TRESPASS TOWING, IMMOBILIZATION AND RATES**

74
75 **SECTION 1. The following definitions of Section 50-173 are amended to read as
76 follows. All other definitions shall remain as presently codified;**

77
78 **Sec. 50-173. – Definitions.**

79
80 *Hearing procedures* shall mean the procedures adopted by the County Administrator
81 governing noticing, scheduling and conducting hearings before a Hearing Officer regarding
82 denials of applications for and suspensions and revocations of certificates, permits and ~~public
83 vehicle driver's licenses~~ driver identification badges under this article.
84

85 *Public vehicle driver's license* Driver identification badge shall mean the written authority
86 granted by the Agency which authorizes a person to drive or operate a tow truck in Hillsborough
87 County pursuant to the requirements of this article and which features the driver's photograph.
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93 **SECTION 2. Section 50-174(a) is amended to read;**

95 Sec. 50-174. – Exemptions

(a) This article shall not apply to the towing or immobilization of a vehicle or vessel which occurs:

- (1) With the consent of the vehicle's or vessel's owner or operator;
- (2) If the vehicle or vessel is a law enforcement, firefighting, rescue squad, ambulance or other emergency vehicle which is marked as such; or
- (3) At ~~property owned by a governmental entity. On public property with the authorization of the applicable governmental entity or its duly authorized agent or lessee, or at the direction of a law enforcement officer.~~

109 **SECTION 3. Section 50-175 is amended to read;**

Sec. 50-175. – Powers and duties of the Agency under this article.

- (a) The Agency shall review all applications for certificates, permits and ~~public vehicle driver's licenses~~ driver identification badges and may issue certificates, permits and ~~public vehicle driver's licenses~~ driver identification badges to each applicant meeting the requirements of this article. The Agency shall maintain a list of certificate holders, permits and drivers authorized to provide towing and/or immobilization services in the County accessible to the general public.
- (b) The Agency shall provide written notice, with proof of delivery, of the denial of the application for certificates, permits and ~~public vehicles~~ ~~driver's~~ driver identification badges specifying the grounds for the denial.

SECTION 4. Section 50-176(g) is amended to read;

Sec. 50-176. – Powers and duties of the Department under this article.

(g) The Department shall provide written notice, with proof of delivery, of the suspension or revocation of certificates, permits and ~~public vehicle driver's licenses~~ driver identification badges, specifying the grounds for the suspension or revocation.

SECTION 5. Section 50-177 is amended to read;

Section 50-177. – Certificate requirements.

(a) No person shall engage in the business of providing towing and/or immobilization services in the County unless such person first obtains a valid certificate from the Agency. An

137 application for a certificate must be submitted to the Agency in the format prescribed by
138 the Agency. Persons who are currently in the business of providing towing and/or
139 immobilization services in the County must submit an application for certificate to the
140 Agency no more than 90 days after the effective date of the Ordinance and may continue
141 operating during the application process. Any person currently in the business of providing
142 towing and/or immobilization in the County that is denied a certificate by the Agency may
143 continue providing such services after its application for a certificate is denied and while
144 such person pursues any available appellate rights contained in Section 50-189.

145

146 (b) Each applicant shall, at a minimum, provide the following information as part of the
147 application process:

148

149 (1) The physical address from which the business will be operated, and any additional
150 addresses required for administration or ownership, if different from where the
151 business operates;

152

153 (2) The business owner's name, local address, telephone number and email address;

154

155 (3) The manager's name, local address, telephone number and email address;

156

157 (4) Mailing address at which notice of any information pertinent to the business shall be
158 considered received and binding upon the applicant or certificate holder;

159

160 (5) Proof of insurance as specified in Section 50-178(f);

161

162 (6) Payment of an initial, non-refundable application fee, which shall be established by
163 resolution adopted by the BOCC, as may be amended;

164

165 (7) Identify and list all tow trucks utilized by the business. The list shall include the year,
166 make, model and vehicle identification number (VIN). All tow trucks must obtain a
167 permit as specified in Section 50-178. Such listing must be maintained and updated
168 on a regular basis and must be current at any given time;

169

170 (8) Identify and list all drivers utilized by the business. The list shall include the name,
171 address, date of birth and phone number for each driver. All drivers must be issued a
172 ~~public vehicle driver's license~~ driver identification badge as specified in Section 50-
173 179. Such listing must be maintained and updated on a regular basis and must be
174 current at any given time; ~~and~~

175

176 (9) ~~Additional information as the Agency, Department or designee may require. Identify~~
177 ~~and list all business owners or corporate officers who have owned or served as a~~
178 ~~corporate officer for a towing and/or immobilization service that has had its~~
179 ~~certificate revoked pursuant to this article within the three 3 years preceding the date~~
180 ~~of the application; and~~

181

182 (10) Additional information as the Agency, Department or designee may require.

183

184 (c) A towing and/or immobilization service must comply with all city, county, State and
185 Federal laws and ordinances at all times.

186

187 (d) ~~A towing and/or immobilization service must accept cash, debit cards, credit cards, cashier's checks, and money orders as a form of payment made by vehicle owners or agents to be able to retrieve vehicles that are the subject of a tow or immobilization. A towing and/or immobilization service must accept payment for accrued charges from an authorized person as defined by section 713.78(10), Florida Statutes, as may be amended, in any form from at least two of the following subparagraphs:~~

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189

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193

194 1. Cash, cashier's check, money order, or traveler's check.

195 2. Bank, debit, or credit card.

196 3. Mobile payment service, digital wallet, or other electronic payment system.

197

198 The authorized person is not required to furnish more than one form of current government-issued photo identification when payment is made in any of the forms listed in this section.

199 If payment is made by credit card, a towing or immobilization service may charge a
200 maximum fee of three percent.

201

202

203 (e) A towing and/or immobilization service must maintain regular business hours to serve the
204 public between 8:00 a.m. and 6:00 p.m. Monday through Saturday. The towing and/or
205 immobilization service must have personnel on duty between 8:00 a.m. and 6:00 p.m.
206 Mondays through Fridays to serve the public. On Saturdays, the towing and/or
207 immobilization service must ensure that personnel are available to answer and respond to
208 calls within one hour in order to serve the public, but do not need to have personnel
209 physically present at the office. Regular business hours are not required on holidays
210 observed by state government offices.

211

212 (f) A towing and/or immobilization service shall maintain records of all tow trucks utilized by
213 the business; all tow truck inspections, including those required by Section 50-178(d);
214 proof of insurance for all vehicles as required by Section 50-178(f); and all drivers utilized
215 by the towing and/or immobilization service, for at least five years. All records required to
216 be maintained by the towing/immobilization service and/or provided under this article may
217 be maintained and/or provided in electronic or paper form. All records required to be
218 provided under this article must be provided in electronic form (PDF or similar electronic
219 file format) by email if requested by the Department.

220

221 (g) A towing and/or immobilization service shall ensure that any storage location used will
222 provide adequate security of vehicles and safety of the public who visit the location. At a
223 minimum, these locations must provide adequate lighting at night and must be fenced and
224 locked for the protection of vehicles and property pursuant to the standards set out in F.S.
225 § 713.78(7)(b).

226

227 (h) A towing and/or immobilization service shall cooperate with the Agency and/or the
228 Department to permit audits of the towing and/or immobilization service records to verify
229 compliance with the requirements of this article.

230
231 (i) A towing/immobilization service must not have an owner or a corporate officer who has
232 owned or served as a corporate officer for a towing and/or immobilization service that has
233 had its certificate revoked pursuant to this article within the three (3) years preceding the
234 date of the initial application or renewal application for a certificate.

235
236 **SECTION 6. Section 50-178 is amended to read;**

237
238 **Sec. 50-178. – Vehicle permit requirements.**

240 (a) No person shall operate or cause to allow the operation of a tow truck without first
241 obtaining a valid permit for that vehicle from the Agency.

242 (b) Every towing and/or immobilization service shall obtain and/or ensure that each tow truck
243 it utilizes to provide towing and/or immobilization services in the County obtains a permit
244 from the Agency.

245 (c) Each applicant for permits shall pay an initial non-refundable application fee, which shall
246 be established by resolution adopted by the BOCC, as may be amended.

247 (d) Prior to obtaining a permit, each tow truck must be inspected and certified by either an
248 ASE (Automotive Service Excellence) certified mechanic or ~~commercial auto repair~~
249 facility licensed by the State of Florida by a motor vehicle repair shop registered with the
250 Florida Department of Agriculture and Consumer Services pursuant to Chapter 559,
251 Florida Statutes, that performs inspections in accordance with Federal Motor Carrier Safety
252 Regulations. The tow truck must pass a safety and mechanical inspection. All tow trucks
253 must pass the inspection on an annual basis and each year thereafter. The certificate holder
254 must provide proof of evidence of such inspection at the time of initial application for the
255 permits and annually thereafter upon renewal of the permits. The inspection shall include,
256 at a minimum, the following:

257 (1) Foot brakes and parking brake;
258 (2) Condition of tires, including tread depth;
259 (3) Windshield;
260 (4) Windshield wipers;
261 (5) Headlights;
262 (6) Taillights;
263 (7) Brake lights;
264 (8) Turn indicator lights;
265 (9) Door and lock operation;
266 (10) Horn;
267 (11) Speedometer;
268 (12) Interior and exterior rearview and side view mirrors;

273 (13) Safety belts;
274 (14) Suspension and steering;
275 (15) Front seat adjustment mechanism;
276 (16) Bumper;
277 (17) Muffler and exhaust system; and
278 (18) Oil or other fluid leaks.

279 (e) All tow trucks shall be equipped with the following:

281 (1) A cradle or tow plate to pick up vehicles. The cradle or tow plate shall be equipped
282 with safety chains and constructed in such a manner that it will not damage the vehicle
283 towed;
284
285 (2) Dual rear wheels;
286
287 (3) Clearance and marker lights and all other equipment as required by F.S. Ch. 316, as
288 may be amended;
289
290 (4) A rotor beam or strobe-type light, amber in color, mounted on the tow truck in such
291 a manner that it can be seen from the front, rear and both sides;
292
293 (5) The name, address and telephone number of the trade name of the certificate holder
294 permanently affixed ~~in a conspicuous place on both~~ and clearly printed in contrasting
295 colors on the driver and passenger ~~doors~~ sides of the tow truck so that it is easily
296 readable from either side of the vehicle. A unit number shall be permanently affixed
297 on both sides of the cab of each truck. The same unit number on tow trucks under the
298 same certificate holder's certificate is prohibited. The name must be in letters at least
299 three inches in height. The address and telephone number must be in letters at least
300 one inch in height;
301
302 (6) One flashlight; and
303
304 (7) At least one five-pound or larger fire extinguisher.

305 (f) A towing and/or immobilization service shall at all times maintain commercial motor
306 vehicle liability insurance for each tow truck that meets or exceeds the requirements of
307 Florida Statutes, as may be amended. In addition, a towing and/or immobilization service
308 must maintain the following coverages either through separate policies or general liability
309 policies:

311 (1) Garage liability insurance. A garage liability insurance policy covering the towing
312 and/or immobilization service operations, including, but not limited to, the towing
313 and/or immobilization service business, equipment and vehicles, which covers all
314 locations within the County. The limits of liability of this policy shall be no less
315 than \$300,000.00 for bodily injury, personal injury and property damage liability

317 combined single limit each occurrence and aggregate. This aggregate limit shall
318 apply separately for each location to be used by the towing and/or immobilization
319 service.

320
321 (2) Garagekeeper's legal liability insurance. A garagekeeper's legal liability insurance
322 policy insuring its legal liability for loss of or damage to vehicles of others towed
323 or stored by a towing and/or immobilization service which covers fire, theft,
324 collision, and other insurable perils. The deductible for these coverages shall not
325 exceed \$1,000.00 per vehicle. The limits of coverage shall not be less than
326 \$50,000.00 for each occurrence, at each location, including towing, for property
327 damage liability. If separate on-hook liability insurance is obtained, the minimum
328 coverage will also be \$50,000.00 as with property damage liability.

329 If an insurance policy required by this section expires after the Agency issues a certificate,
330 the towing/immobilization service must notify the Agency and provide updated proof of
331 insurance to the Agency within 10 business days of the policy's expiration.

332
333 (g) Tow trucks shall be structurally sound and be maintained in proper operating condition at
334 all times. The interior of tow trucks shall also be kept clean, sanitary, and free from damage.

335
336 (h) All permitted tow trucks are required to display two permit stickers issued by the Agency.
337 One sticker shall be placed on the bottom corner of the rear window located on the driver's
338 side of the vehicle. The other sticker shall be placed on the bottom corner of the front
339 windshield glass on the passenger side of the vehicle. Stickers shall only be placed on the
340 vehicle for which the permit is issued and shall not be transferred to any other vehicle.

341
342 (i) Once an initial certificate holder is approved for its certificate and permits by the Agency,
343 at any point thereafter, it may submit an application for additional permits.

344
345 (j) All tow trucks are subject to inspection by the Agency and/or Department at any time to
346 ensure compliance with the provisions of this article.

347
348 (k) A towing and/or immobilization service shall ensure that documentation demonstrating that
349 the driver's tow truck has been inspected as provided for by Section 50-178(d) is placed
350 within the tow truck in an easily accessible location so that the tow truck driver can provide
351 it to the Agency or the Department upon request.

352
353 (l) A towing and/or immobilization service shall not permit a person to drive or operate tow
354 truck unless such person has been issued a ~~public vehicle driver's~~ licensed driver
355 identification badge as specified in Section 50-179.

356
357 **SECTION 7. Section 50-179 is amended to read;**

358
359 **Sec. 50-179. – ~~Public vehicle driver's license (“PVDL”)~~ Driver identification badge**
360 **requirements.**

361

362 (a) No person shall operate a tow truck without first obtaining a PVDL driver identification
363 badge from the Agency. An application for a PVDL driver identification badge must be
364 submitted to the Agency in the format prescribed by the Agency. Persons who obtained a
365 PVDL, public vehicle driver's license ("PVDL") prior to and which is valid as of the
366 effective date of this section, do not need to apply for a new PVDL driver identification
367 badge from the Agency. However, such person is subject to the renewal provisions of
368 Section 50-184 upon expiration of his/her current PVDL, ~~and, at that time, will also be~~
369 ~~required to provide a set of fingerprints and sufficient information as described in~~
370 ~~Subsection (b) below to enable the Agency to obtain a Level II criminal background~~
371 ~~screening.~~

372 (b) Each applicant shall, at a minimum, provide the following information as part of the
373 application process:

374 (1) Payment of an initial, non-refundable application fee, which shall be established by
375 resolution adopted by the BOCC, as may be amended.

376 (2) Pursuant to the County's authority under F.S. § 125.5801, as may be amended, a set
377 of fingerprints and sufficient information in the manner prescribed by the Agency
378 to enable the Agency to obtain a Level II criminal background screening on the
379 applicant. The fingerprints shall be submitted to the Florida Department of Law
380 Enforcement for a state criminal background history record check and to the
381 Federal Bureau of Investigation for a national criminal history record check. Prior
382 to submitting a request for a criminal history record check pursuant to this section,
383 the Agency shall notify each applicant to be fingerprinted that his or her fingerprints
384 will be sent to the Florida Department of Law Enforcement for a state criminal
385 history record check and to the Federal Bureau of Investigation for a national
386 criminal history record check.

387 (3) A complete application signed by the certificate holder for which that applicant will
388 drive.

389 (4) Submit a seven-year driver license transcript that has been issued within the past
390 30 days.

391 (c) Each applicant must possess a valid driver's license in said driver's name issued by the State
392 of Florida. Such driver's license must be valid for at least 12 months prior to being issued
393 a PVDL driver identification badge. If the State of Florida driver's license is less than 12
394 months old, the applicant may provide proof of a previous valid driver's license issued at
395 least 12 months prior by another state immediately prior to obtaining the State of Florida
396 driver's license. In order to be granted a PVDL driver identification badge, the applicant
397 must not have had any suspensions, cancellations or revocations of the driver's license due
398 to activities associated with operating a motor vehicle within the past five years, and cannot
399 have more than nine points assessed against his or her driver's license within the 12 months
400 preceding the application, or during the application process, for the PVDL driver
401 identification badge for criminal or moving-traffic offenses, including, but not limited to,
402 any of the following specified offenses:

403 (1) Failure to comply with ignition interlock requirements;

404 (2) Any court ordered or directed suspensions for criminal or moving-traffic offenses;

405 (3) School bus violations;

406 (4) Medical suspensions or revocations;

407 (5) Zero-tolerance violations for under 21 years of age drinking;

408 (6) Theft or fraud;

409 (7) Drug related offenses;

410 (8) DUI;

411 (9) Failure to render aid;

412 (10) Fleeing or attempting to elude;

413 (11) Habitual traffic offender;

414 (12) Manslaughter/vehicular homicide;

415 (13) Reckless driving;

416 (14) Theft of motor vehicle, including theft of parts or components;

417 (15) Offenses involving sexual assault, or other immoral acts;

418 (16) Offenses involving human trafficking.

419 (d) All applicants for ~~PVDL~~driver identification badge must undergo a Level II criminal background screening.

421 (e) Any applicant/driver must not have been found guilty or been convicted of or pled guilty or nolo contendere, regardless of whether adjudication was withheld, to any disqualifying offense as specified below:

424 (1) Driving under the influence (DUI) of alcohol or drugs within the past five years;

425 (2) Reckless driving within the past three years;

426 (3) Any violent crime felony or attempted violent crime felony, including, but not limited to: Murder; attempted murder; attempted felony murder; manslaughter; armed robbery; robbery; assault with a deadly weapon; aggravated battery; any assault or battery on a person protected pursuant to F.S. §§ 784.07 or 784.081 which is classified as a felony; any other felony battery or assault; aggravated assault; kidnapping; attempted kidnapping; false imprisonment; armed burglary;

432 aggravated stalking; home invasion; carjacking; and, attempted home invasion
433 (lifetime);

434 (4) Any property crime felony within the past five years, including, but not limited to:
435 Grand theft; burglary; fraud; and, felony criminal mischief;

436 (5) Any felony crime involving the sale or possession of a controlled substance, as
437 defined by F.S. § 893.03, as may be amended, within the past five years;

438 (6) Any misdemeanor crime involving a controlled substance, as defined by F.S. §
439 893.03, as may be amended, within the past two years;

440 (7) DUI Manslaughter or vehicular manslaughter/homicide (lifetime);

441 (8) Leaving the scene of an accident with death or serious bodily injury (lifetime);

442 (9) Leaving the scene of an accident with property damage within the past three years;

443 (10) Any sex crime as defined in F.S. Ch. 794, as may be amended (lifetime);

444 (11) Any person who is required by law to register as a sex offender/predator, career
445 offender, or convicted felon pursuant to F.S. §§ 775.13, 775.21, 775.261, 943.0435,
446 944.607, or 944.608, as may be amended (lifetime);

447 (12) Any crime related to lewdness and indecent exposure as defined in F.S. Ch. 800, as
448 may be amended (lifetime);

449 (13) Any crime related to prostitution as defined in F.S. Ch. 796, as may be amended,
450 within the past three years;

451 (14) Any crime in violation of the Florida RICO (Racketeering Influenced and Corrupt
452 Organization) Act, currently F.S. §§ 895.01 through 895.06, as may be amended
453 (lifetime); or

454 (15) Any offense committed in another jurisdiction that would be an offense listed in
455 this Subsection (e) if that offense had been committed in the State of Florida.

456 (f) For any offense listed in paragraph (e) which states a time period of ineligibility, said time
457 period begins on the date of conviction, plea, or sentencing, whichever is later.

458 (g) Any applicant/driver must not have been found, in the courts of this state, to have
459 committed a delinquent act that would be a crime enumerated in paragraph (e) above if
460 committed by an adult and such person is under 24 years of age, or found to have committed
461 a delinquent act in another state, territory, or country that would be a crime enumerated in
462 paragraph (e) above if committed by an adult and such person is under 24 years of age.

463 (h) An applicant/driver must not be on probation or parole for a felony crime at the time of
464 application.

465 (i) An applicant determined eligible for a PVDLdriver identification badge and subsequently
466 arrested, charged, and/or found guilty or been convicted of or pled guilty or nolo contendere
467 to any disqualifying offense listed above shall notify the Agency of such within five days.

468 (j) Each tow truck driver shall possess and display the PVDLdriver identification badge on
469 his or her person at all times in a manner that is readily visible by others while on duty as
470 a tow truck driver.

471 (k) A driver shall not operate a tow truck if his or her PVDLdriver identification badge has
472 expired or has been revoked or suspended.

473 (l) A driver shall not operate a tow truck unless such vehicle is permitted by the Agency as
474 required by Section 50-178.

475 (m) All drivers shall cooperate with the Agency and/or the Department to permit inspections of
476 tow trucks to verify compliance with the requirements of this article.

477 (n) An applicant at the time of application, or during the application process must not have a
478 disqualifying crime enumerated in paragraph (e) above pending in any court. If it is
479 determined that any such disqualifying charge is pending during the application process,
480 the application will be placed on hold until the outcome of the charge(s) is finalized. This
481 hold includes the time period in which an applicant may be participating in a pre-trial
482 intervention program.

483 (o) (1) An applicant at the time of application, or during the application process must not have
484 his or her driver's license restricted pursuant to F.S. Ch. 322, to "business purposes only"
485 or "employment purposes only" due to any cause related to moving-traffic and/or criminal
486 offenses.

487 (2) The Agency and/or the Department may make exceptions for driver licenses that
488 have been suspended or otherwise restricted due to non-traffic or non-criminal
489 procedural issues such as failure to timely pay a traffic ticket or child/spousal
490 support issues if the applicant or license holder demonstrates that he or she has
491 actively taken steps to rectify the suspension or restriction by making obligated
492 payments.

493 **SECTION 8. Section 50-181(f)-(m) is amended to read;**

494

495 **Sec. 50-181. – Prerequisites to and requirements for trespass towing from or immobilization**
496 **of vehicles or vessels on private property.**

497 (f) ~~Prior to towing or removing a vehicle or vessel or immobilizing a vehicle, the towing and/or immobilization service driver shall photograph or video the vehicle or vessel to sufficiently detail the violation, rule or regulation for which the vehicle or vessel is being towed or immobilized. The photographs or video shall be maintained by the towing and/or immobilization service for a minimum of six months, and be produced upon request by the Department or any law enforcement agency. When a~~

504 towing/immobilization driver determines that a vehicle/vessel is subject to
505 removal/immobilization, the driver shall wait no less than 15 minutes before obtaining an
506 order authorizing removal/immobilization. Prior to towing, removal, or immobilization,
507 the property owner, agent, lessee, or authorized employee thereof must sign an order
508 authorizing the removal or immobilization of the specific vehicle or vessel. Authorization
509 may be given by electronic mail, provided that the authorized agent and his/her individual
510 electronic mail address is identified in the written agreement to tow from the property
511 required by subsection (a). Posted signage or a contract or agreement between the property
512 owner and towing/immobilization service are insufficient to satisfy this requirement. Such
513 order must include:

- 514 (1) Vehicle make, model, color, and license plate number;
- 515 (2) Address of vehicle location;
- 516 (3) Date and time of order;
- 517 (4) Date and time of removal or immobilization;
- 518 (5) Name of person issuing the order and their employer;
- 519 (6) Name of towing and/or immobilization service to which the order is issued;
- 520 (7) Name of driver; and
- 521 (8) Address of storage site where the vehicle is towed.

523 Additionally, the towing and/or immobilization service driver shall photograph or video
524 the vehicle or vessel to sufficiently detail the violation, rule or regulation for which the
525 vehicle or vessel is being towed or immobilized. The photographs or video must be time
526 and date stamped. The photographs or video shall be maintained by the towing and/or
527 immobilization service for a minimum of six months, and be produced upon request by the
528 Department or any law enforcement agency. If the photograph or video is not taken or
529 maintained in accordance with this section, the towing and/or immobilization service must
530 reimburse the vehicle owner the applicable towing fee.

531

532 (g) No towing and/or immobilization service shall pay or rebate money, or solicit or offer the
533 payment or rebate of money or other valuable consideration, to property owners for the
534 right to engage in trespass towing or immobilization from any property.

535 (h) Any vehicle or vessel that is trespass towed from locations within the County must be
536 stored within a ten-mile mathematical radius of the point of removal.

537 (i) All vehicles or vessels subject to a trespass tow shall be towed directly and continuously
538 to the storage site owned or leased by the towing service. Towed vehicles or vessels shall
539 not be temporarily kept or staged in any holding area for later removal to the storage site.
540 Staging vehicles or vessels at a temporary location for later towing is strictly prohibited
541 and a violation of this article.

542 (j) Any towing and/or immobilization service initiating a trespass tow or immobilization
543 within the boundaries of the County shall notify the law enforcement agencies having
544 jurisdiction of an area of such towing or immobilization within 30 minutes of the
545 completion of any such trespass tow or immobilization. Such notification to the law
546 enforcement agency shall include the following information concerning the subject
547 trespass tow or immobilization:

548 (1) The name of the towing and/or immobilization service;

549 (2) The address of the storage site to which the vehicle was towed;

550 (3) The location and address from which the vehicle was towed or at which the
551 immobilization occurred;

552 (4) The time the vehicle was towed, removed or immobilized;

553 (5) The make, model, year, color, vehicle identification number (VIN) and license plate
554 number of the vehicle or vessel, as applicable;

555 (6) The name of the tow truck driver and PVDL driver identification badge number;
556 and

557 (7) Any other information requested by the law enforcement agency.

558 Additionally, the towing and/or immobilization service shall obtain the law enforcement
559 agency's case number to assign to the trespass tow or immobilization at the time of
560 reporting the aforementioned trespass tow or immobilization information.

561 (k) Each towing and/or immobilization service shall staff or monitor its telephone 24 hours a
562 day, seven days a week, including holidays, and shall return a vehicle or vessel owner's or
563 agent's telephone call within one hour and shall advise the owner or agent of the following:

564 (1) Each and every document or other item which must be produced to retrieve the
565 vehicle or vessel;

566 (2) The exact charges at that time, and the rate at which charges will accumulate
567 thereafter;

568 (3) The acceptable methods of payment, ~~which shall include cash, debit cards, credit~~
569 ~~cards~~ (and any credit card processing fee, if applicable), per Section 50-177(d) of
570 this article and section 713.78(10), Florida Statutes, as they may be amended;

571 (4) That the towed or immobilized vehicle or vessel can be picked up within one hour
572 of request.

573 (l) The towing and/or immobilization service shall provide a written bill at the request of the
574 vehicle or vessel owner or agent, before the owner or agent renders payment, for the owner
575 detailing the charges to date and the rate at which charges would accumulate thereafter.

576 (m) The towing and/or immobilization service shall provide, at the time of payment, whether
577 or not requested, a legible written receipt bearing the name of the towing and/or
578 immobilization service, listing all charges imposed for the towing or immobilization and
579 listing all payments received from the vehicle or vessel owner or agent of the owner
580 resulting from the towing or immobilization of a vehicle or vessel. Said receipt shall
581 include, at a minimum:

582 (1) The date, time and location of the tow or immobilization;

583 (2) The description of the vehicle or vessel, including make, model, year, color, vehicle
584 identification number (VIN), and license plate number;

585 (3) The total charges, listing individually and specifically;

586 (4) The date and time of payment of the charges;

587 (5) The PVDL driver identification badge number assigned to the tow truck driver; and

588 (6) A consumer disclosure, promulgated by the Department, in bold, capitalized letters
589 of at least 12-point type.

590 **SECTION 9. Section 50-184 is amended to read;**

591

592 **Sec. 50-184. – Certificate, permit and ~~public vehicle driver's license~~ driver identification**
593 **badge renewal requirements.**

594

595 (a) All certificates, permits and PVDL's driver identification badges must be renewed annually.
596 To apply for renewal of a certificate, permit or PVDL driver identification badge, the
597 certificate holder or PVDL licensee badge holder must submit an application for renewal
598 along with payment of the non-refundable certificate, permit or badge fee, as provided for
599 by Resolution, as may be amended.

600

601 (b) Prior to obtaining a renewal permit, the certificate holder must provide proof of evidence
602 to the Agency that each vehicle for which it seeks renewal of a permit has passed an annual
603 safety and mechanical inspection as specified in Section 50-178(d) and is covered by
604 commercial motor vehicle liability insurance as provided for by Section 50-178(f).

605

606 (c) Prior to obtaining a renewal certificate, the towing/immobilization service must permit an
607 inspection by the Department of its storage site to verify compliance with the requirements
608 of this article. If the Department is unable to perform the inspection before the certificate
609 expires and the certificate holder has satisfied all other requirements for renewal under this
610 section, the Agency shall issue a temporary certificate until the Department's inspection is
611 completed.

612

613 **SECTION 10. Section 50-185 is amended to read;**

614

615 **Sec. 50-185. – Additional certificate, permit and ~~public vehicle driver's license~~ driver**
616 **identification badge related requirements.**

617

618 (a) A certificate holder shall notify the Agency in writing no later than ten days after changing
619 its physical address from which the business will be operated or mailing address at which
620 notice of any information pertinent to the business shall be considered received and binding
621 upon the certificate holder.

623 (b) Certificates, permits and PVDL's driver identification badges issued to one person by the
624 Agency cannot be transferred to another person.

625 **SECTION 11. Section 50-188 is amended to read;**

627 **Sec. 50-188. – Grounds for denial, suspension or revocation of ~~public vehicle driver's~~
628 licensesdriver identification badges.**

629 The Agency may deny or refuse to issue a PVDL driver identification badge and the Department
630 may suspend or revoke a PVDL badge based upon a determination that the applicant or license
632 badge holder:

- 633 (a) Failed to meet the requirements for licensure as provided in this article, including those
634 in Section 50-179(c) as it relates to state driver's licenses;
- 635 (b) Is disqualified based upon a criminal background check pursuant to this article;
- 636 (c) Is found guilty or been convicted of or pled guilty or nolo contendere to a disqualifying
637 offense listed in Section 50-179(e), at any point after the initial issuance of a PVDL
638 driver identification badge;
- 639 (d) Failed to provide information and/or documents associated with the application and
640 renewal process outlined in this article;
- 641 (e) Made false statements or misrepresentations associated with applications for new or
642 renewal PVDL's driver identification badge or inquiries regarding information
643 requested/provided during the application and renewal process outlined in this article;
- 644 (f) ~~Engaged in prohibited conduct as provided in Section 50-190;~~
- 645 (g) Failed to comply with an order of the County Code enforcement board or special
646 magistrate;
- 647 (h) Failed to comply with an order of a Hearing Officer; or
- 648 (i) Failed to ~~allow for inspection of a tow truck or to otherwise~~ cooperate with requests for
649 information or an investigation being conducted by either the Agency or the Department.

650 **SECTION 12. Section 50-189 is amended to read;**

652 **Sec. 50-189. – Due process in the event of denial, suspension or revocation of certificates,
653 permits, and ~~public vehicle driver's~~licensesdriver identification badges.**

655 The applicant, whose application for a certificate, permit(s) or a PVDL driver identification
656 badge has been denied, or the certificate holder or PVDL licensee PVDL driver identification badge
657 holder whose certificate, permit(s), or PVDL badge has been suspended or revoked, may contest
658 such denial, suspension or revocation by requesting a hearing before a Hearing Officer. In order

659 to contest, the applicant, certificate holder or ~~PVDL licensee~~badge holder must submit a written
660 request to the Department within ten days of the delivery date of the notice of denial, suspension
661 or revocation. If a request to contest is timely submitted, a hearing shall be scheduled, noticed and
662 conducted in accordance with Section 50-194 and the hearing procedures adopted by the County
663 Administrator. If no request is timely submitted, the applicant, certificate holder or ~~PVDL licensee~~
664 badge holder shall be deemed to have waived his or her right to contest the denial, suspension or
665 revocation and must cease operations of providing towing and/or immobilization services.

666

667 **SECTION 13. Section 50-190 is amended to read;**

668

669 **Sec. 50-190. Prohibited conduct.**

670

671 It shall be a violation of this article for a person to:

672

- 673 (a) Provide towing and/or immobilization services in the County without a certificate or
674 a permit for each tow truck providing such services;
- 675 (b) Operate a tow truck without a ~~PVDL~~driver identification badge;
- 676 (c) Fail to provide information and/or documents associated with the certificate, permit
677 or ~~PVDL~~ badge application process outlined in this article;
- 678 (d) Make false statements or misrepresentations associated with certificate, permit or
679 ~~PVDL~~ badge applications or inquiries regarding information requested/provided
680 during the application process outlined in this article;
- 681 (e) Provide towing or immobilization services at a location other than the one(s)
682 appearing on the certificate issued by the Agency;
- 683 (f) Fail to comply with an order of the County Code enforcement board and/or special
684 magistrate;
- 685 (g) Fail to comply with an order of a Hearing Officer;
- 686 (h) Fail to comply with any requirement of this article;
- 687 (i) Engage in conduct expressly prohibited by this article; ~~or~~
- 688 (j) Fail to allow for inspection of a tow truck or to otherwise cooperate with requests for
689 information or an investigation being conducted by either the Agency or the
690 Department;~~; or~~
- 691 (k) Tow or immobilize a vehicle from a public roadway or right-of-way unless by written
692 agreement with the applicable governmental entity, lessee, or duly authorized agent;

by order of law enforcement; or with the consent of the vehicle owner or authorized driver/agent.

SECTION 14. Section 50-192 is amended to read;

Sec. 50-192. – Enforcement and penalties for violations.

710 (a) The County's code enforcement officers, law enforcement or any other person authorized
711 to enforce County ordinances may enforce the provisions of this article.

712 (b) Pursuant to the provisions of F.S. § 125.69, as may be amended, any person violating the
713 provisions of this article may be subject to prosecution in the name of the State of Florida
714 in the same manner as misdemeanors are prosecuted; and, upon conviction, such person
715 shall be punished by a fine not to exceed \$500.00 per violation, or by imprisonment in the
716 County jail not to exceed 60 days, or by both such fine and imprisonment.

717 (c) When enforced by a code enforcement officer, the enforcement provisions and procedures
718 authorized by F.S. Ch. 162, Parts I and II, as may be amended, and as outlined in Chapter
719 14, Article II of this Code, as amended, shall apply. In addition to payment of the
720 applicable fine, a citation issued by the Department may require a certificate holder to
721 reimburse a vehicle owner all unauthorized or excessive charges related to the services
722 provided. Unauthorized or excessive charges include any charges to vehicle owners that
723 are not authorized by, or exceed the maximum fees authorized by, this article or resolution
724 of the Board. The total amount of reimbursement sought must be stated on the citation
725 and is subject to the due process rights and procedures available to contest the citation.

726 (d) Nothing contained herein shall prevent the County from taking such other lawful action in
727 law and equity as may be necessary to remedy any violation of, or refusal to comply with,
728 any part of this article including but not limited to:

729 (1) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;

730 (2) Initiating the direct filing of criminal charges through the Office of the State
731 Attorney;

732 (3) Initiating an action to recover any and all damages that may result from a
733 violation of, or refusal to comply with, any part of this article; and

734 (4) Utilizing any other action or enforcement method allowable by law.

735 (e) Each day of a continuing violation shall constitute a separate violation.

736 (f) Any towing and/or immobilization service, its owner, operator, driver, or representative,
737 or any person who violates this article shall be liable to the owner or lessee of the vehicle
738 for all costs of recovery (including all towing, storage and other associated fees and costs)
739 plus attorney's fees and court costs; and, in addition, shall be liable to the owner or lessee
740 of any towed vehicle for any damages resulting directly or indirectly from the placement
741 or removal, transportation, or storage of the vehicle.

742 (g) Any person that has been found by the court (regardless of adjudication) to have violated
743 this article twice within a two-year period shall, upon being charged with a third violation

744 within that same two-year time period, be required to appear in court. The payment of a
745 fine without going to court, shall be considered the same as a finding of violation by the
746 court.

747 (h) Three violations of the provisions of this article by a certificate holder within a 365-day
748 period may result in the suspension of the towing and/or immobilization service's
749 certificate for up to thirty (30) calendar days. The Department shall give written notice to
750 the certificate holder that it is in violation of this section. If no timely request is submitted
751 to contest the suspension in accordance with section 50-189, the certificate holder must
752 cease operations of providing towing and/or immobilization services within ten (10)
753 calendar days of the delivery date of the notice of suspension. If the certificate holder makes
754 a timely request to contest the suspension, the towing and/or immobilization service may
755 continue operations until a final order of the Hearing Officer is entered.

756
757 For purposes of this subsection, a violation includes an order of a court (regardless of
758 adjudication), code enforcement board, or code enforcement special magistrate finding
759 the certificate holder in violation of this article, or the certificate holder's payment of a
760 fine and citation issued under this section. Continued violations after a suspension may
761 result in revocation of the certificate.

762 763 SECTION 15. Section 50-193 is amended to read;

764 765 Sec. 50-193. Appointment of Hearing Officers.

766 Hearing officers referred to in this article shall be appointed in accordance with a resolution
767 adopted by the BOCC, as may be amended. Such Hearing officers shall have jurisdiction to
768 conduct hearings on denials of certificate, permit and ~~PVDL~~ driver identification badge
769 applications and suspensions and revocations of certificates, permits and ~~PVDL's~~ driver
770 identification badge. Hearing officers shall have all of the powers granted to them in the resolution
771 to include the power to issue subpoenas for production of documents or attendance of witnesses at
772 hearing.

773 SECTION 16: SEVERABILITY.

774
775 If any portion of this Ordinance is for any reason held invalid or declared to be
776 unconstitutional, inoperative or void by any court of competent jurisdiction, such holdings shall
777 not affect the validity of the remainder of this Ordinance.

778 779 SECTION 17: RESOLUTION OF CONFLICT OF LAWS.

780
781 In all instances where Florida law, as evidenced by the Florida Administrative Code,
782 Florida Statutes, applicable case law or otherwise, mandates standards or requirements that are
783 stricter than the provisions of this Ordinance, or where a matter is addressed by Florida Law that
784 is not addressed by this Ordinance, then said law shall govern. In situations where this Ordinance
785 addresses a matter in a manner that is stricter than that of Florida law, the provisions of this
786 Ordinance shall control.

787

788

SECTION 18: INCLUSION IN THE HILLSBOROUGH COUNTY CODE.

790

791 The provisions of this Ordinance shall be included and incorporated in the Hillsborough
792 County Code, as an addition or amendment thereto, and shall be appropriately renumbered to
793 conform to the uniform numbering system of the Hillsborough County Code, once established.

794

SECTION 19: FILING OF ORDINANCE.

795

797 In accordance with the provisions of section 125.66, Florida Statutes, a certified copy of
798 this Ordinance shall be filed with the Florida Department of State.

799

SECTION 20: EFFECTIVE DATE.

800

802 This Ordinance shall become effective upon filing with the Florida Department of State.

803

804

805

**STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)**

806

809 **I, VICTOR D. CRIST**, Clerk of the Circuit Court and Ex Officio Clerk of the Board of
810 County Commissioners of Hillsborough County, Florida, do hereby certify that the above and
811 foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting
812 _____, 2025 as the same appears of record in Minute Book _____ of the
813 Public Records of Hillsborough County, Florida.

814

815 **WITNESS** my hand and official seal this _____ day of _____, 2025.

816

817 Attest: **VICTOR D. CRIST**
818 Clerk of Circuit Court

819

820

821 BY: _____
822 Deputy Clerk

823

824

**APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY**

825

826

**BY: _____
Whitney L. Green, Assistant County Attorney**