



Meeting Date 8/6/2025

☐ 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

Joint Department Director

Date

**Kevin Brickey**

7/24/2025

**Whitney Green**

7/24/2025

Management and Budget – Approved  
as to Financial Impact Accuracy

Date

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

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

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

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

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

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

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

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

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

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

**Sec. 50-173. – Definitions.**

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

~~Public vehicle driver's license~~ Driver identification badge shall mean the written authority granted by the Agency which authorizes a person to drive or operate a tow truck in Hillsborough County pursuant to the requirements of this article and which features the driver's photograph.

**SECTION 2. Section 50-174(a) is amended to read;**

**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.

**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 licenses~~ 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

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

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

- (1) The physical address from which the business will be operated, and any additional addresses required for administration or ownership, if different from where the business operates;
- (2) The business owner's name, local address, telephone number and email address;
- (3) The manager's name, local address, telephone number and email address;
- (4) Mailing address at which notice of any information pertinent to the business shall be considered received and binding upon the applicant or certificate holder;
- (5) Proof of insurance as specified in Section 50-178(f);
- (6) Payment of an initial, non-refundable application fee, which shall be established by resolution adopted by the BOCC, as may be amended;
- (7) Identify and list all tow trucks utilized by the business. The list shall include the year, make, model and vehicle identification number (VIN). All tow trucks must obtain a permit as specified in Section 50-178. Such listing must be maintained and updated on a regular basis and must be current at any given time;
- (8) Identify and list all drivers utilized by the business. The list shall include the name, address, date of birth and phone number for each driver. All drivers must be issued a ~~public vehicle driver's license~~ driver identification badge as specified in Section 50-179. Such listing must be maintained and updated on a regular basis and must be current at any given time; ~~and~~
- (9) ~~Additional information as the Agency, Department or designee may require.~~ Identify and list all business owners or corporate officers who have owned or served as a corporate officer for a towing and/or immobilization service that has had its certificate revoked pursuant to this article within the three 3 years preceding the date of the application; and
- (10) Additional information as the Agency, Department or designee may require.

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

(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:

1. Cash, cashier's check, money order, or traveler's check.
2. Bank, debit, or credit card.
3. Mobile payment service, digital wallet, or other electronic payment system.

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

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

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

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

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

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

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

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

- (a) No person shall operate or cause to allow the operation of a tow truck without first obtaining a valid permit for that vehicle from the Agency.
- (b) Every towing and/or immobilization service shall obtain and/or ensure that each tow truck it utilizes to provide towing and/or immobilization services in the County obtains a permit from the Agency.
- (c) Each applicant for permits shall pay an initial non-refundable application fee, which shall be established by resolution adopted by the BOCC, as may be amended.
- (d) Prior to obtaining a permit, each tow truck must be inspected and certified by either an ASE (Automotive Service Excellence) certified mechanic or ~~commercial auto repair facility licensed by the State of Florida~~ by a motor vehicle repair shop registered with the Florida Department of Agriculture and Consumer Services pursuant to Chapter 559, Florida Statutes, that performs inspections in accordance with Federal Motor Carrier Safety Regulations. The tow truck must pass a safety and mechanical inspection. All tow trucks must pass the inspection on an annual basis and each year thereafter. The certificate holder must provide proof of evidence of such inspection at the time of initial application for the permits and annually thereafter upon renewal of the permits. The inspection shall include, at a minimum, the following:
- (1) Foot brakes and parking brake;
  - (2) Condition of tires, including tread depth;
  - (3) Windshield;
  - (4) Windshield wipers;
  - (5) Headlights;
  - (6) Taillights;
  - (7) Brake lights;
  - (8) Turn indicator lights;
  - (9) Door and lock operation;
  - (10) Horn;
  - (11) Speedometer;
  - (12) Interior and exterior rearview and side view mirrors;



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

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

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

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

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

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

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

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

- (g) Tow trucks shall be structurally sound and be maintained in proper operating condition at all times. The interior of tow trucks shall also be kept clean, sanitary, and free from damage.
- (h) All permitted tow trucks are required to display two permit stickers issued by the Agency. One sticker shall be placed on the bottom corner of the rear window located on the driver's side of the vehicle. The other sticker shall be placed on the bottom corner of the front windshield glass on the passenger side of the vehicle. Stickers shall only be placed on the vehicle for which the permit is issued and shall not be transferred to any other vehicle.
- (i) Once an initial certificate holder is approved for its certificate and permits by the Agency, at any point thereafter, it may submit an application for additional permits.
- (j) All tow trucks are subject to inspection by the Agency and/or Department at any time to ensure compliance with the provisions of this article.
- (k) A towing and/or immobilization service shall ensure that documentation demonstrating that the driver's tow truck has been inspected as provided for by Section 50-178(d) is placed within the tow truck in an easily accessible location so that the tow truck driver can provide it to the Agency or the Department upon request.
- (l) A towing and/or immobilization service shall not permit a person to drive or operate tow truck unless such person has been issued a ~~public vehicle driver's~~ licensed driver identification badge as specified in Section 50-179.

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

**Sec. 50-179. – ~~Public vehicle driver's license ("PVDL")~~ Driver identification badge requirements.**

- (a) No person shall operate a tow truck without first obtaining a PVDL driver identification badge from the Agency. An application for a PVDL driver identification badge must be submitted to the Agency in the format prescribed by the Agency. Persons who obtained a PVDL, public vehicle driver's license ("PVDL") prior to and which is valid as of the effective date of this section, do not need to apply for a new PVDL driver identification badge from the Agency. However, such person is subject to the renewal provisions of Section 50-184 upon expiration of his/her current PVDL, ~~and, at that time, will also be required to provide a set of fingerprints and sufficient information as described in Subsection (b) below to enable the Agency to obtain a Level II criminal background screening.~~
- (b) Each applicant shall, at a minimum, provide the following information as part of the application process:
- (1) Payment of an initial, non-refundable application fee, which shall be established by resolution adopted by the BOCC, as may be amended.
  - (2) Pursuant to the County's authority under F.S. § 125.5801, as may be amended, a set of fingerprints and sufficient information in the manner prescribed by the Agency to enable the Agency to obtain a Level II criminal background screening on the applicant. The fingerprints shall be submitted to the Florida Department of Law Enforcement for a state criminal background history record check and to the Federal Bureau of Investigation for a national criminal history record check. Prior to submitting a request for a criminal history record check pursuant to this section, the Agency shall notify each applicant to be fingerprinted that his or her fingerprints will be sent 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.
  - (3) A complete application signed by the certificate holder for which that applicant will drive.
  - (4) Submit a seven-year driver license transcript that has been issued within the past 30 days.
- (c) Each applicant must possess a valid driver's license in said driver's name issued by the State of Florida. Such driver's license must be valid for at least 12 months prior to being issued a PVDL driver identification badge. If the State of Florida driver's license is less than 12 months old, the applicant may provide proof of a previous valid driver's license issued at least 12 months prior by another state immediately prior to obtaining the State of Florida driver's license. In order to be granted a PVDL driver identification badge, the applicant must not have had any suspensions, cancellations or revocations of the driver's license due to activities associated with operating a motor vehicle within the past five years, and cannot have more than nine points assessed against his or her driver's license within the 12 months preceding the application, or during the application process, for the PVDL driver identification badge for criminal or moving-traffic offenses, including, but not limited to, 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
- 420 background screening.
- 421 (e) Any applicant/driver must not have been found guilty or been convicted of or pled guilty
- 422 or nolo contendere, regardless of whether adjudication was withheld, to any disqualifying
- 423 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
- 427 limited to: Murder; attempted murder; attempted felony murder; manslaughter;
- 428 armed robbery; robbery; assault with a deadly weapon; aggravated battery; any
- 429 assault or battery on a person protected pursuant to F.S. §§ 784.07 or 784.081 which
- 430 is classified as a felony; any other felony battery or assault; aggravated assault;
- 431 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.

- (i) An applicant determined eligible for a ~~PVDL~~driver identification badge and subsequently arrested, charged, and/or found guilty or been convicted of or pled guilty or nolo contendere to any disqualifying offense listed above shall notify the Agency of such within five days.
- (j) Each tow truck driver shall possess and display the ~~PVDL~~driver identification badge on his or her person at all times in a manner that is readily visible by others while on duty as a tow truck driver.
- (k) A driver shall not operate a tow truck if his or her ~~PVDL~~driver identification badge has expired or has been revoked or suspended.
- (l) A driver shall not operate a tow truck unless such vehicle is permitted by the Agency as required by Section 50-178.
- (m) All drivers shall cooperate with the Agency and/or the Department to permit inspections of tow trucks to verify compliance with the requirements of this article.
- (n) An applicant at the time of application, or during the application process must not have a disqualifying crime enumerated in paragraph (e) above pending in any court. If it is determined that any such disqualifying charge is pending during the application process, the application will be placed on hold until the outcome of the charge(s) is finalized. This hold includes the time period in which an applicant may be participating in a pre-trial intervention program.
- (o) (1) An applicant at the time of application, or during the application process must not have his or her driver's license restricted pursuant to F.S. Ch. 322, to "business purposes only" or "employment purposes only" due to any cause related to moving-traffic and/or criminal offenses.
- (2) The Agency and/or the Department may make exceptions for driver licenses that have been suspended or otherwise restricted due to non-traffic or non-criminal procedural issues such as failure to timely pay a traffic ticket or child/spousal support issues if the applicant or license holder demonstrates that he or she has actively taken steps to rectify the suspension or restriction by making obligated payments.

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

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

- (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~~

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

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

Additionally, 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 must be time and date stamped. 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. If the photograph or video is not taken or maintained in accordance with this section, the towing and/or immobilization service must reimburse the vehicle owner the applicable towing fee.

- (g) No towing and/or immobilization service shall pay or rebate money, or solicit or offer the payment or rebate of money or other valuable consideration, to property owners for the right to engage in trespass towing or immobilization from any property.
- (h) Any vehicle or vessel that is trespass towed from locations within the County must be stored within a ten-mile mathematical radius of the point of removal.
- (i) All vehicles or vessels subject to a trespass tow shall be towed directly and continuously to the storage site owned or leased by the towing service. Towed vehicles or vessels shall not be temporarily kept or staged in any holding area for later removal to the storage site. Staging vehicles or vessels at a temporary location for later towing is strictly prohibited and a violation of this article.
- (j) Any towing and/or immobilization service initiating a trespass tow or immobilization within the boundaries of the County shall notify the law enforcement agencies having jurisdiction of an area of such towing or immobilization within 30 minutes of the completion of any such trespass tow or immobilization. Such notification to the law enforcement agency shall include the following information concerning the subject trespass tow or immobilization:



- (1) The name of the towing and/or immobilization service;
- (2) The address of the storage site to which the vehicle was towed;
- (3) The location and address from which the vehicle was towed or at which the immobilization occurred;
- (4) The time the vehicle was towed, removed or immobilized;
- (5) The make, model, year, color, vehicle identification number (VIN) and license plate number of the vehicle or vessel, as applicable;
- (6) The name of the tow truck driver and ~~PVDL~~ driver identification badge number; and
- (7) Any other information requested by the law enforcement agency.

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

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

- (1) Each and every document or other item which must be produced to retrieve the vehicle or vessel;
- (2) The exact charges at that time, and the rate at which charges will accumulate thereafter;
- (3) The acceptable methods of payment, ~~which shall include cash, debit cards, credit cards~~ (and any credit card processing fee, if applicable), per Section 50-177(d) of this article and section 713.78(10), Florida Statutes, as they may be amended;
- (4) That the towed or immobilized vehicle or vessel can be picked up within one hour of request.

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

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



- (1) The date, time and location of the tow or immobilization;
- (2) The description of the vehicle or vessel, including make, model, year, color, vehicle identification number (VIN), and license plate number;
- (3) The total charges, listing individually and specifically;
- (4) The date and time of payment of the charges;
- (5) The ~~PVDL~~ driver identification badge number assigned to the tow truck driver; and
- (6) A consumer disclosure, promulgated by the Department, in bold, capitalized letters of at least 12-point type.

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

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

- (a) All certificates, permits and ~~PVDL's~~ driver identification badges must be renewed annually. To apply for renewal of a certificate, permit or ~~PVDL~~ driver identification badge, the certificate holder or ~~PVDL licensee~~ badge holder must submit an application for renewal along with payment of the non-refundable certificate, permit or badge fee, as provided for by Resolution, as may be amended.
- (b) Prior to obtaining a renewal permit, the certificate holder must provide proof of evidence to the Agency that each vehicle for which it seeks renewal of a permit has passed an annual safety and mechanical inspection as specified in Section 50-178(d) and is covered by commercial motor vehicle liability insurance as provided for by Section 50-178(f).
- (c) Prior to obtaining a renewal certificate, the towing/immobilization service must permit an inspection by the Department of its storage site to verify compliance with the requirements of this article. If the Department is unable to perform the inspection before the certificate expires and the certificate holder has satisfied all other requirements for renewal under this section, the Agency shall issue a temporary certificate until the Department's inspection is completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Provide towing and/or immobilization services in the County without a certificate or a permit for each tow truck providing such services;
- (b) Operate a tow truck without a ~~PVDL~~driver identification badge;
- (c) Fail to provide information and/or documents associated with the certificate, permit or ~~PVDL~~ badge application process outlined in this article;
- (d) Make false statements or misrepresentations associated with certificate, permit or ~~PVDL~~ badge applications or inquiries regarding information requested/provided during the application process outlined in this article;
- (e) Provide towing or immobilization services at a location other than the one(s) appearing on the certificate issued by the Agency;
- (f) Fail to comply with an order of the County Code enforcement board and/or special magistrate;
- (g) Fail to comply with an order of a Hearing Officer;
- (h) Fail to comply with any requirement of this article;
- (i) Engage in conduct expressly prohibited by this article; ~~or~~
- (j) Fail to allow for inspection of a tow truck or to otherwise cooperate with requests for information or an investigation being conducted by either the Agency or the Department-; or
- (k) Tow or immobilize a vehicle from a public roadway or right-of-way unless by written 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.**

- (a) The County's code enforcement officers, law enforcement or any other person authorized to enforce County ordinances may enforce the provisions of this article.
- (b) Pursuant to the provisions of F.S. § 125.69, as may be amended, any person violating the provisions of this article may be subject to prosecution in the name of the State of Florida in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00 per violation, or by imprisonment in the County jail not to exceed 60 days, or by both such fine and imprisonment.
- (c) When enforced by a code enforcement officer, the enforcement provisions and procedures authorized by F.S. Ch. 162, Parts I and II, as may be amended, and as outlined in Chapter 14, Article II of this Code, as amended, shall apply. In addition to payment of the applicable fine, a citation issued by the Department may require a certificate holder to reimburse a vehicle owner all unauthorized or excessive charges related to the services provided. Unauthorized or excessive charges include any charges to vehicle owners that are not authorized by, or exceed the maximum fees authorized by, this article or resolution of the Board. The total amount of reimbursement sought must be stated on the citation and is subject to the due process rights and procedures available to contest the citation.
- (d) Nothing contained herein shall prevent the County from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this article including but not limited to:
  - (1) Pursuit of injunctive and/or declaratory relief in a court of competent jurisdiction;
  - (2) Initiating the direct filing of criminal charges through the Office of the State Attorney;
  - (3) Initiating an action to recover any and all damages that may result from a violation of, or refusal to comply with, any part of this article; and
  - (4) Utilizing any other action or enforcement method allowable by law.
- (e) Each day of a continuing violation shall constitute a separate violation.
- (f) Any towing and/or immobilization service, its owner, operator, driver, or representative, or any person who violates this article shall be liable to the owner or lessee of the vehicle for all costs of recovery (including all towing, storage and other associated fees and costs) plus attorney's fees and court costs; and, in addition, shall be liable to the owner or lessee of any towed vehicle for any damages resulting directly or indirectly from the placement or removal, transportation, or storage of the vehicle.
- (g) Any person that has been found by the court (regardless of adjudication) to have violated this article twice within a two-year period shall, upon being charged with a third violation

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

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

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

#### **SECTION 15. Section 50-193 is amended to read;**

##### **Sec. 50-193. Appointment of Hearing Officers.**

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

#### **SECTION 16: SEVERABILITY.**

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

#### **SECTION 17: RESOLUTION OF CONFLICT OF LAWS.**

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

**SECTION 18: INCLUSION IN THE HILLSBOROUGH COUNTY CODE.**

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

**SECTION 19: FILING OF ORDINANCE.**

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

**SECTION 20: EFFECTIVE DATE.**

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

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

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

**WITNESS** my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

BY: \_\_\_\_\_  
Deputy Clerk

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

**BY: \_\_\_\_\_**  
**Whitney L. Green, Assistant County Attorney**