

TALLAHASSEE POLICE DEPARTMENT
STANDARD OPERATING PROCEDURES MANUAL
SPECIAL OPERATIONS DIVISION

 Proudly Policing Since 1841	SUBJECT Towing Administration		 Nationally Accredited 1986
	BUREAU COMMANDER 		
NUMBER	ISSUE DATE	EFFECTIVE DATE	TOTAL PAGES

AUTHORITY/RELATED REFERENCES

Florida Statutes 713.58
 Florida Statute 715.07
 Chapter 20, Code of City Ordinances

ACCREDITATION REFERENCES

NONE

KEY WORD INDEX

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POLICY

The Tallahassee Police Department shall define the duties of the Towing Administrator assigned by the Special Operations Division Commander.

DEFINITIONS

Rotation Wrecker Towing System: A system whereby a group of wrecker companies have agreed to take turns answering calls for towing and storage services when requested by a police officer at the scene of an accident or disabled vehicle. The wrecker companies are placed on a list, called consecutively as the need arises, and then rotated to the bottom of the list.

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Trespass Tow: Towing or removing of a vehicle that is parked on private real property, at the property owner's request and without the express consent of the vehicle owner.

Wrecker Operator: Any driver or other employee of a wrecker company that has direct access to any towed vehicle.

PROCEDURES

I. ISSUANCE PROCEDURE

- A. All wrecker companies, operators, and towing service vehicles shall be registered and permitted by the Towing Administrator or designee. All applicants shall:
1. Complete in full a written application and pay all application fees as set by the Chief of Police or his designee. Under normal conditions, a minimum of two weeks is needed to process renewal applications.
 2. Provide the Towing Administrator a certified copy of the applicant's criminal history record from the Florida Department of Law Enforcement and a certified copy of the applicant's driving history from the Department of Highway Safety and Motor Vehicles.
- B. Upon the Towing Administrator's review of the application, criminal history information and any other pertinent documentation or information, if the applicant meets the criteria set forth in City Ordinance Section 20-163, a towing operator permit shall be issued. All permits issued shall be valid for at least two (2) years except that permits may be suspended or revoked by the Towing Administrator for good cause.
1. If the applicant fails to meet the requirements set forth in the City Ordinance, the request for a towing operator permit will be denied. The applicant shall be informed of the denial in person or by registered or certified mail. The applicant may request a review of the application process or a hearing on the merits within seven (7) days, excluding Saturday, Sunday, and holidays, of the date the permit is denied. Failure to request a review or hearing within the stated time constitutes a waiver by the applicant of the right to appeal.
 2. A review of the application process shall consist of a reevaluation of the application and criminal history background materials together with any supporting documents, which the applicant deems relevant. Said review shall be conducted by the Captain of Special

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Operations Division or the assigned designee.

3. An applicant whose request for a towing operator's permit has been denied may request a hearing on the merits of the denial. Said hearing shall be conducted by an impartial hearing officer selected by the Chief of Police or his designee from another department of city government. At the hearing, the Tallahassee Police Department shall be represented by the Captain of Special Operations or his assigned designee. The applicant, at their expense, may be represented by legal counsel of their choosing. The applicant shall be afforded an opportunity to review all evidence constituting the basis of the denial, to provide rebutting documentation, to provide witnesses on his/her behalf, and to confront those persons who are witnesses against him/her. The Police Legal Advisor or an Assistant City Attorney shall be in attendance to ensure procedural correctness.

II. EXTRAORDINARY CIRCUMSTANCES

- A. It is the applicant's responsibility to show that he meets the requirements and possesses the characteristics necessary to obtain the towing operator permit. Where an applicant does not meet the requirements of City Ordinance Section 20-163, but demonstrates the existence of extraordinary circumstances, which may affect the issuance of a permit, the Department may use discretion in determining whether to grant or deny an applicant's request.
- B. Extraordinary or mitigating circumstances may include, but are not limited to:
 1. Cases in which the applicant's criminal history consists of a single misdemeanor conviction, and
 2. Cases in which the applicant has successfully completed probation.
- C. Supporting documentation may include, but is not limited to:
 1. An accurate statement of criminal history information (e.g., Police Records, Court Documents, State Attorney Records, etc.);
 2. A letter of reference from probation officers, employers, or other persons knowledgeable of applicant's character within the community.

III. SUSPENSION AND REVOCATION OF DRIVER PERMITS

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Upon a finding of due cause as defined in Section 20-164 of the City Ordinance, a towing company owner or operator's permit may be suspended or revoked. Before a permit shall be suspended or revoked, the Towing Administration, shall serve notice on the permittee either by certified or registered mail, or by personal service, of its intention to suspend or revoke the towing company owner or driver's permit. Such notice shall be served at least five (5) days prior to the effective suspension or revocation date and shall indicate that the driver has the opportunity to contest the planned suspension or revocation by requesting a review or a hearing as described above prior to the effective date. If requested, the review or hearing shall be conducted within seven (7) days, excluding Saturdays, Sundays, and holidays of the date requested.

IV. Trespass Towing Contracts

A. Prior to any towing company removing any vehicle pursuant to trespass towing, the requirements of City Ordinance section 20-167 shall be complied with. The intent of the City Ordinance is to allow the property owner to manage parking issues associated with their property utilizing the services of the towing companies, but is not to allow the towing companies to manage parking issues or to decide which vehicles are susceptible to trespass towing, except during roam towing periods.

B. Verified Request to Remove

1. Pursuant to City Ordinance 20-167(a)(3), except when roam towing is authorized, all trespass tows from residential property other than single-family residences must be by a verified request by the property owner or representative.
2. The property owner's representative may include a property manager or other agent who has the legal authority to bind the owner and must be designated in the contract. The property owner's representative shall NOT be affiliated with the towing company in any way.
3. In order to verify the request for trespass tow, the property owner or representative shall personally sign the tow sheet at the time of the trespass tow verifying that the vehicle is parked contrary to the property's rules or regulations and authorizing the towing company to remove said vehicle.

C. Private Property Parking Permits

1. For all residential private property owners who choose to issue parking permits to its residents and/or visitors, the private property

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owner may not designate the towing company as the agent to provide said parking permits to the residents and/or visitors.

D. Violations

1. The Towing Administrator shall be authorized to suspend the trespass towing contract between a private property owner and towing company for any violations of this section.