



**HILLSBOROUGH COUNTY  
SHERIFF'S OFFICE**

**CHAD CHRONISTER, SHERIFF**

# **Tow Service Agreement**

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# **TOW SERVICE AGREEMENT**

## **I. GENERAL TERMS AND CONDITIONS**

- A.** Purpose: This Tow Service Agreement (TSA) contains the terms and conditions with which a company or operator agrees to comply in order to receive and maintain placement on a rotation call list for requested vehicle tows by the Hillsborough County Sheriff's Office ("HCSO"). The HCSO Tow Rotation Call List Program ("Program") was developed to facilitate the safe, efficient and rapid removal of disabled, abandoned, stolen, wrecked, or impounded vehicles and to equitably distribute such service calls made by HCSO. This TSA provides clear and concise requirements for providing vehicle towing and storage and ensures the public receives fair and ethical business practices from competent operators who can respond with minimal time delays.
- B.** Eligibility: Only those companies or operators who are in compliance with Florida Statutes (including but not limited to Chapters 319, 713, 715, and 812), Hillsborough County Ordinances, Hillsborough County rules, and Hillsborough County requirements, and whose drivers have Hillsborough County PVDL licenses are eligible for acceptance into the Program, at which time they will be considered an Authorized Tow Company (ATC).
- C.** Applicable Laws: ATC's shall be familiar with and shall obey all applicable Florida Statutes, (including but not limited to Chapters 319, 713, 715, and 812), Hillsborough County Ordinances, Hillsborough County rules, and Hillsborough County regulations. Hillsborough County, through the Hillsborough County Tax Collector, the Hillsborough County Consumer Protection Department, and any other Department designated by the County Administrator (herein collectively referred to as "Hillsborough County") may enforce any applicable Hillsborough County Ordinance, rule, or regulation related to the operation of public vehicles upon the public roads and highways of Hillsborough County and its municipalities.
- D.** HCSO Requirements: ATC's agree to abide by the rules, regulations, and conditions contained within this TSA.
- E.** No Relationship Created with HCSO: By voluntarily agreeing to participate in the Program and abide by the terms and conditions of this TSA, an ATC and/or their employees/operators shall not be considered an officer, employee, agent, contractor, or subcontractor of HCSO or Hillsborough County and are not considered to be acting as an officer, employee, agent, contractor, or subcontractor of HCSO or Hillsborough County when performing services under this TSA.
- F.** Definitions:
1. "Tow truck" or "Wrecker" are defined as any truck or other vehicle which is used to tow, haul or carry or otherwise transport motor vehicles or vessels upon the

streets and highways of this State and which is equipped for that purpose with a boom, winch, car carrier or other similar equipment.

2. "Vehicle" means any mobile item which normally uses wheels, whether motorized or not.
3. "Vessel" includes every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a 'documented vessel' as defined in Florida Statute 327.02(9).

## **II. APPROVING / MAINTAINING THE HCSO TOW ROTATION CALL LIST**

**A. Authorized Tow Companies:** The approval of tow companies to be included on the HCSO Tow Rotation Call List ("Call List") will be at HCSO's sole discretion.

**B. Approval Process:** A tow company who wishes to be placed on the Call List shall apply to the HCSO Director of Dispatch 911 Center and Records or his/her designee ("Director") in writing. Said application should include a description, information, and materials about the tow company including its equipment, facilities, personnel, history, drivers' PVDL licensure, and any other relevant information.

1. Upon receipt of an application, the Director shall review and make a determination regarding approval or denial. Applicants who satisfy the requirements, terms, and conditions of the Program, as described herein, shall be added to the Call List, so long as it is in the best interest of HCSO, the citizens of Hillsborough County, and public safety.
2. Upon approval by the Director, and execution of this Tow Service Agreement ("TSA"), the applicant will be placed on the Call list for a period of five (5) years (subject to discipline and/or removal, as discussed below). The five (5) year period begins on the date of the last signature on the TSA.
3. Upon denial by the Director, the applicant will be notified, in writing. Requests for an appeal regarding denial of placement on the Call List must be received by the Director of Dispatch within twenty (20) days of date of the written denial. Failure to submit an appeal within said twenty (20) days will result in the waiver of any appeal. Upon receipt of an appeal, the Director will review and make a recommendation to the Sheriff (or his/her designee). The ATC will be notified within thirty (30) days of the receipt of the appeal of the Sheriff's (or his/her designee) final decision.

**C. Renewal:** Any ATC that wishes to renew their placement on the Call List for an additional five (5) year term must submit such notification to the Director in writing, no later than sixty (60) days prior to the expiration of the TSA.

1. The Director will review requests for renewal and may request any additional materials as needed, and make a determination. Applicants who satisfy the requirements, terms, and conditions of the Program, as described herein, shall be renewed, so long as it is in the best interest of HCSO, the citizens of Hillsborough

County, and public safety. The ATC will be notified, in writing, of the renewal decision within thirty (30) days of the submission of the renewal request.

2. If the renewal request is approved, the ATC will execute a new TSA and the new five (5) year term will begin on the date of the last signature on the TSA.
  3. If the renewal request is denied, the ATC may submit an appeal which must be received by the Director within twenty (20) days of the date of the written denial. Failure to submit an appeal within said twenty (20) days will result in the waiver of any appeal. Upon receipt of an appeal, the Director will review and make a recommendation to the Sheriff (or his/her designee). The ATC will be notified within thirty (30) days of the receipt of the appeal of the Sheriff's (or his/her designee) final decision.
- D.** Maintaining Call List: The HCSO Communications Bureau will have the responsibility of maintaining the current list of tow companies that will be included on the Call List.
- E.** Inspections: All ATC's are subject to inspection by Hillsborough County and/or HCSO personnel during normal business hours without notice. Inspections may also include viewing ATC facilities from public areas after normal business hours. Inspections will be conducted to ensure that the ATC is in compliance with Florida Statutes, Hillsborough County Ordinances, Hillsborough County rules, Hillsborough County regulations, this TSA, and any HCSO ATC Checklist; review and confirm impounded vehicle records; and to inspect vehicles stored pursuant to Florida Statutes, including but not limited to, Florida Statute § 812.055.
- F.** Investigations: The HCSO Communications Bureau Impound Officer, or other appropriate HCSO representative, will review all complaints made about an ATC. Complaints may result in disciplinary action or escalate to the Director for review and recommendation to the Sheriff if additional action is deemed necessary, at the sole discretion of HCSO. HCSO may share complaint information with Hillsborough County.
- G.** Disciplinary Action: In addition to any other civil or criminal penalties that may be applicable pursuant to Florida Statutes and Hillsborough County Ordinances, rules, or regulation, any violation by an ATC of the terms and conditions of the Program or this TSA may result in disciplinary action as specified below:
1. The first violation in any three month (3) period will result in a written warning to document the incident;
  2. The second violation in any three (3) month period will result in a one (1) day suspension from the Call List;
  3. The third violation in any three (3) month period will result in a one (1) week suspension from the Call List.
  4. The fourth violation in any three (3) month period or the sixth violation in any one (1) year period will result in the immediate removal of the ATC from the Call List for a period of no less than one year. In such an event, the ATC may not reapply for placement on the Call List for a period of one (1) year from the removal date.

- H.** Removal: At the discretion of the Director, disciplinary action may be waived and the ATC may be immediately removed from the Call List if it is determined to be in the best interest of HCSO, the citizens of Hillsborough County, or public safety.
1. An ATC will be notified in writing of their removal from the Call List by the Director.
  2. Requests for an appeal regarding removal from the Call list must be received by the Director within twenty (20) days of the date of the written denial. Failure to submit an appeal within said twenty (20) days will result in a waiver of any appeal. Upon receipt of an appeal, the Director will review and make a recommendation to the Sheriff (or his/her designee). The ATC will be notified within thirty (30) days of the receipt of the appeal of the Sheriff's (or his/her designee) final decision.
  3. Any ATC removed from the Call List may not reapply for placement on the Call List for a period of one (1) year from the removal date.

### **III. CONTACT AND RESPONSE**

- A.** Service Calls: All service calls will be placed through the HCSO Communications Bureau Dispatch personnel ("Dispatch") after receiving a request from HCSO on-scene personnel. Dispatch will be responsible for logging, tracking, maintaining and coordinating ATC service calls and their position on the Call List.
- B.** Dispatch Obligations: Dispatch recognizes their obligations in the performance of their duties relative to vehicle towing while acting on behalf of public safety in maintaining fair and justified order of calls, in reporting accurate information, and giving clear instruction to the ATC.
- C.** Method of Contact: Dispatch will only utilize the two telephone numbers provided on the Hillsborough County towing authorization application when making a service call. *No answering service or pager numbers, email or web addresses will be utilized to Dispatch.*
- D.** Attempts to Contact: Dispatch will allow six (6) rings when calling ATC phone numbers. If unanswered the ATC must respond within one (1) minute to keep the call from being rotated to the next ATC on the Call List. A busy phone number will be dialed twice. If the phone number is still busy on the second attempt, the call will be rotated to the next ATC on the Call List.
- E.** Acceptance of Service Call: The ATC will respond to service calls 24 hours a day, 7 days a week. A call to an ATC will constitute one turn on the Call List and the ATC will be moved to the bottom of the Call List. This includes when the ATC fails to answer the phone, is unable to respond, is unable to perform the required service, refuses to respond or provide service, or is canceled due to excessive response time. If after accepting a

service call, the ATC is unable to respond or delayed in responding, the ATC will immediately notify Dispatch.

- F. Response Time: ATC response time between the initial dispatch notification and the tow truck arrival on the scene **shall not exceed thirty (30) minutes**. If the response time exceeds thirty (30) minutes the service call may be rotated to the next ATC on the Call List at the discretion of HCSO. Use of the second ATC called due to slow response of the first ATC will result in the first ATC being rotated to the bottom of the Call List. Repeated late responses exceeding thirty (30) minutes may result in disciplinary action.
- G. Refusal or Failure to Respond: An ATC that refuses to respond to a service call without just cause may result in disciplinary action at the discretion of HCSO. An ATC who fails to answer a service call will lose that service order and be moved to the bottom of the Call List.
- H. Request for Temporary Removal from Call List: An ATC desiring to be temporarily removed from the Call List shall advise the HCSO Communications Bureau, in writing, no later than twenty-four (24) hours prior to the requested removal. Each request will be considered on an individual basis and under no circumstance will a request for more than thirty (30) days be granted. When the ATC notifies the HCSO Communications Bureau, in writing, that they are ready to be returned to the Call List, the ATC will be placed in the same position as when removed.
- I. Redemption of Impounded Vehicle: When a vehicle or vessel has been towed or removed pursuant to this TSA, it must be released to its owner or custodian within one (1) hour after request. Any vehicle or vessel owner or agent shall have the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or other legally authorized person at the time of the redemption may be required from any vehicle or vessel owner, custodian, or agent as a condition of release of the vehicle or vessel to its owner. A detailed, signed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

#### IV. **ASSIGNED TOW ZONES**

- A. Geographic Zones of Response: An ATC agrees to perform towing and storage services for HCSO in concert with other companies within specific geographical zones of the County as established by the HCSO Communications Bureau. Each HCSO zone shall have a corresponding list of designated ATC's. HCSO shall have the right and sole discretion to establish or change geographic zones of service, as needed.

- B. Towing Beyond Assigned Zone: Shall be at the discretion of the ATC and any consideration for said tow shall be mutually agreed upon between the vehicle's owner and the ATC before the vehicle is towed.

**V. OPERATOR AND EQUIPMENT IDENTIFICATION AND APPEARANCE**

- A. Operator License Verification: Upon arrival at the scene, the ATC driver must present the on-scene Deputy with his/her valid driver license of the appropriate class, applicable endorsements, and permits, and proof of their PVDL license. The on-scene Deputy is responsible for determining the validity of said licenses.
- B. Properly Identified Vehicles:\_The ATC will respond with the Class of tow truck or wrecker required to properly and safely tow the vehicle described in the service order. The truck and equipment shall display required permits, licenses or other markings or information as required by statute or ordinance.
- C. Proper Demeanor, Appearance and Dress: All ATC drivers are expected to dress and behave professionally. They should be hygienically clean, neatly groomed and suitably dressed. Beards and mustaches should be trimmed so as not to appear ragged. Hair should be combed and long hair should be confined as sensible for safety and for appearance. It is understood that such work can be hot and dirty but efforts should be taken to clean up between jobs. Uniforms consisting of long pants and collared shirts are preferable. The term "suitably dressed" shall be interpreted to mean, for both male and female drivers: long pants, a collared shirt as an outer garment (tee shirts may be worn as an undergarment) and closed toe shoes with socks. Cold weather outer wear should be worn when appropriate.
  - 1. The following articles of clothing are not permitted for a driver of an ATC responding to a service call: T-shirts, underwear, tank tops, body shirts, swimwear, jogging suits, or similar types of attire (when worn as outer garments); shorts or trunks (bathing or jogging), sandals, or any type of open-toed footwear or any outerwear articles of clothing that have pictures or text that is risqué, vulgar, slanderous or contains profanity.
  - 2. All ATC drivers will behave in a courteous manner toward HCSO employees, the public in general, and persons for whom they tow or store vehicles as a result of calls for service originating from HCSO. Any signs of substance abuse including alcohol will not be tolerated under any circumstances and may result in arrest and removal from the Call List. Only ATC personnel and equipment requested will respond to an HCSO call for service (no girlfriends, neighbors, children, pets, etc.)



## VI. ATC PROCEDURE

- A. Authorization to tow or remove: ATC's shall tow only the vehicle they are directed or assigned to tow by HCSO personnel. An ATC shall not remove damaged or wrecked vehicles from the scene of an accident in unincorporated areas of Hillsborough County without authorization from either HCSO or another authorized law enforcement agency (e.g. Florida Highway Patrol). Call for towing received directly from vehicle owner or operators shall be cleared through the Dispatch or another authorized law enforcement agency (e.g. Florida Highway Patrol) to ensure appropriate investigation and coordination of traffic accidents.
- B. Vehicle Tow: Any removal of a vehicle from a roadway to clear traffic accidents, assist motorists, etc. with the consent of the owner or driver of the vehicle. The vehicle will be towed to the ATC lot, within the approved HCSO zone pending owner retrieval.
- C. Vehicle Impounds: Any time HCSO takes non-consensual possession of a vehicle or property it is considered impounded.
- D. Vehicle Impounds with Holds: Any vehicle that is deemed by HCSO personnel to be evidentiary or integral to an investigation. The Hold is placed to ensure the impounded property is not released to the owner prior to processing or completion of the investigation. Vehicle seizures or forfeitures may require written release. Contact the HCSO Communications Bureau Impound Officer (Impound Officer) if there is any question regarding the release of a vehicle.
- E. Victim Tow: Vehicles that are seized/impounded for forensic testing when the vehicle's owner/operator was not suspected to be the perpetrator, vehicles damaged by HCSO actions (e.g. stop sticks) when the vehicle's owner/operator was not the intended target, or any other instance where HCSO identifies the order as a "Victim Tow." These vehicles are most often towed to a HCSO facility.
- F. STAR Rotation Tow: HCSO vehicles or equipment or any vehicle or equipment deemed as the responsibility of HCSO. Typically, such vehicles will be towed to an HCSO Facility.
- G. STAR and Victim Tow Charges: The ATC will be allowed to charge HCSO a flat fee with no loss in rotation position for Victim Tow or a STAR Rotation Tow. Refer to Section VI Compensation.
- H. Signing of Tow Bills: The signature of HCSO on-scene personnel will not be required to submit the tow bill, except to verify waiting time for the ATC operator.
- I. Record Keeping: ATC's shall strictly adhere to any and all record keeping requirements established by Florida law, Hillsborough County, or this TSA.

- J.** Requests for Documentation: Instructions for submitting Public Records Requests which would include any information or documentation regarding Call List activity can be found on the HCSO website [www.hcso.tampa.fl.us](http://www.hcso.tampa.fl.us) under “About HCSO/Records & Requests.” Pursuant to Florida law, fees for processing such Public Records Requests may apply.
- K.** Verification of Vehicle Identification Numbers: All ATC’s shall verify the vehicle identification numbers (VIN) displayed on the vehicle against the VIN and or tag number recorded on their service order and tow bills to ensure that the numbers match. All steps must be taken to ensure that the ATC obtains the correct title, registration, and lien information on the towed vehicle for owner notification purposes.
- L.** Request for Lien/Registration Information: All ATC’s shall request the lien and registration information from the HCSO Communication Bureau Impound Officer within five (5) days of the towing of the vehicle. A “good faith notice” including the year, make, model and VIN should be sent in writing to the Impound Officer.
- M.** Private Impounds: All towing companies shall be familiar with applicable Florida Statutes, including but not limited to Florida Statute § 715.07, which requires that HCSO (or other agency with jurisdiction) be notified within thirty (30) minutes of completion of towing of a private impound. *Failure to make such notification in the allotted time may subject violators to arrest and/or prosecution for a First Degree Misdemeanor, pursuant to Florida Statute § 715.07(5)(a), as well as disciplinary action pursuant to this TSA.*
- N.** Personal Property in Impounded Vehicles: Florida Statutes, including but not limited to, Florida Statute § 713.78(10), require that persons who provide towing services shall permit vehicle owners or their duly authorized agents, to inspect the towed vehicle at the time the vehicle comes into the custody of the towing company. *Violators of these statutes are subject to arrest and/or prosecution for a Third Degree Felony, pursuant to Florida Statute § 713.78(12)(b), as well as disciplinary action pursuant to this TSA.*
- 1.** The only exceptions to this procedure are: (1) where the word “HOLD” appears and (2) when HCSO personnel contact the ATC subsequent to a normal impound and advise to hold the vehicle and/or its contents. **Contact the HCSO Communications Bureau Impound Officer for any questions regarding the release of property.**
- O.** Notification of Sale: When any impounded vehicle is sold by an ATC pursuant to Florida Statutes, including but not limited to, Florida Statutes §§ 713.78 and 713.585, the Clerk of the Court must be notified within five (5) days of the sale, excluding Saturday and Sunday.
- P.** Limitations on Charges. In the event that a vehicle is impounded or remains in storage as a result of an error by HCSO, the vehicle shall be released to the vehicle’s owner or their designee upon being authorized by the HCSO Impound Officer. Charges shall not exceed the initial tow fee and two (2) days storage, and will be billed to either the owner of the vehicle or HCSO, at the discretion and instruction of the Impound Officer. In no

event will HCSO be liable for storage charges incurred after the owner of the vehicle is made aware of the location of the vehicle and the vehicle's release is authorized.

- Q.** Dive Team Assistance. When the ATC finds it necessary to request assistance from the HCSO Underwater Recovery Team to retrieve non-evidentiary vehicles and/or property, the ATC will be invoiced by HCSO for these services at a rate of \$33.85 per diver per hour, a minimum of three divers, for a minimum of three hours (rates subject to change upon notice to all parties). If the invoice has not been paid in full within sixty (60) days from the recovery date the ATC will be notified by the HCSO Communications Bureau and removed from the HCSO Rotation Call List until payment has been received as verified by the HCSO Chief Financial Officer.

## **VII. COMPENSATION**

- A.** An ATC agrees to perform Victim Tows and STAR Rotation Tows at the following rates:
- |   |                                 |
|---|---------------------------------|
| Class A: Light Duty up to 10,000 pounds GVW   | \$50.00 No Mileage, No Storage  |
| Class B: Medium Duty 10,001-16,000 pounds GVW   | \$75.00 No Mileage, No Storage  |
| Class C: Heavy Duty 16,001 pounds GVW and above (Semi-trucks, house trailers, buses and larger) | \$150.00 No Mileage, No Storage |
| Class D: Miscellaneous, Non-motorized items   | \$50.00 No Mileage, No Storage  |
- B.** The ATC shall provide HCSO with invoices for services rendered within thirty (30) days of the initial tow. Invoices will include, at a minimum, a unique invoice number, a description and detail of the date and type of service provided, identification of the vehicle(s) by make, model, VIN or tag, location of pickup, location of storage lot, and final disposition.
- C.** Invoices will be verified with HCSO tow request records and approved for payment by the HCSO Communications Bureau Impound Officer. In the event of a dispute on any charge, the parties agree to resolve said dispute through good faith negotiations. Documentation of service and detailed record of events will be utilized to assist in dispute resolution.
- D.** Payment shall be made in accordance with Chapter 218, Part VII, Florida Statutes. HCSO will attempt to pay all invoices for services rendered within thirty (30) days of receipt though Florida Statutes allow a government agency forty-five (45) days to make payment.
- E.** Refer to Hillsborough County Ordinance 17-34 and Hillsborough County Resolution R17-152, and any subsequent amendments or modifications thereto, for maximum Wrecker and Storage Fees when Victim Tow or STAR Rotation Tow rates do not apply.