

**THIS IS THE FIRST MODIFICATION TO AGREEMENT** entered into as of this \_\_\_\_ day of \_\_\_\_, 2017, between the Town of Davie, a municipal corporation of the State of Florida (the “Town”) and A Superior Towing Company, Inc. (“Superior”), a Florida corporation, for the purposes of amending the Agreement between the Town and Superior, dated July 1, 2014.

**WITNESSETH:**

WHEREAS, on June 11<sup>th</sup> 2014, pursuant to Resolution No. R-2014-100, the Town Council awarded a Towing Franchise Agreement (“Agreement”) to A Superior Towing Company, Inc. (“Superior”); and

WHEREAS, the Agreement contains specified rates that were originally based on Broward County’s rate schedule; and

WHEREAS, Broward County recently adopted a new non-consent tow rate schedule to help account for numerous regulatory requirements that it placed on the towing industry; and

WHEREAS, the disparagement between the Town’s rate schedule and the County’s rate schedule has caused numerous issues for Superior; and

WHEREAS, as result, the Town is desirous of bringing its Agreement into conformity with the County’s new rate schedule;

**NOW THEREFORE**, for and in consideration of the premises and for Ten Dollars (\$10.00) and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree that the Original Agreement shall be amended as follows:

1. The foregoing recitals are true and correct, and are incorporated herein by reference.
2. Section 1 of the Agreement between the Town and Superior which was executed on June 11, 2014 shall be amended to read as follows:

The term of the towing franchise is for a five (5) year period beginning on July 1, 2014. The franchise may be extended for two (2) additional three (3) year periods by mutual consent of the parties and the approval of the Town Council. Should the franchise term be extended beyond the initial five (5) year term, the ~~tow rates and~~ franchise fee will be subject to negotiation. All towing rates shall be in accordance with the rates currently established by Broward County, attached hereto. ~~have been established by the Town (see Attachment “A”) and are the only rates that may be charged.~~

3. All terms and conditions not modified herein shall remain in full force and effect.

**IN WITNESS WHEREOF**, this First Modification to the Agreement is accepted and executed as of this \_\_\_\_ day of \_\_\_\_\_, 2017

**WITNESSES:**

\_\_\_\_\_  
\_\_\_\_\_

**CONTRACTOR:  
A SUPERIOR TOWING COMPANY**

By: \_\_\_\_\_  
Mr. Sean Loscalzo, President

TOWN OF DAVIE, a Florida  
Municipal Corporation

By: \_\_\_\_\_  
Judy Paul  
Mayor

**ATTEST:**

\_\_\_\_\_  
Evelyn Roig  
Town Clerk

(Seal)

\_\_\_\_\_  
Richard J. Lemack  
Town Administrator

**APPROVED AS TO FORM AND  
CORRECTNESS**

Date: \_\_\_\_\_

\_\_\_\_\_  
John Rayson  
Town Attorney  
Town of Davie

Council Approved: \_\_\_\_\_  
Date



**REGULATED BUSINESSES -- ENFORCEMENT**

ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION

1 North University Drive, Building B ~ Plantation, FL 33324-2038 ~ Phone (954) 765-4400 • FAX 954-765-4163

**Broward County Towing Industry Fee Adjustments for 2017**

*(Prepared by Broward County's Environmental Licensing and Building Permitting Division,  
December 19, 2016)*

Per Sections 40.37.c.4. and 27.150(f)(6) of the Broward County Administrative Code, towing industry fees are to be reviewed annually and increased by the annual percentage increase in the Consumer Price Index or 3%, whichever is less. The 2015 to 2016 annual CPI increase was 1.2% as determined by the Environmental Licensing and Building Permitting Division after review of the Bureau of Labor Statistics, Southeastern Regional Office CPI data. Accordingly, towing industry fees for 2017, increased by 1.2%, are reflected below and are effective immediately. Please contact Broward County at 954-519-1260 with any questions or concerns.

**PART XXVIII. - CATEGORIES AND MAXIMUM FEES FOR RECOVERY, TOWING, REMOVING, STORING OR IMMOBILIZATION OF VEHICLES ON PRIVATE PROPERTY**

**27.150. - Maximum Nonconsent Rates.**

Maximum and allowable rates for nonconsent towing and immobilization, as defined in the Broward County Code of Ordinances, shall be as follows:

(a) *Tows from private property ("Private Property Tows"):*

(1) *Class A Vehicle Towed:*

- a. Towing Fee: \$121.44.
- b. Storage Fee: \$24.29 per twenty-four (24) hours.
- c. Administrative Fee: \$30.36.
- d. Research Fee: Actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.



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*(2) Class B Vehicle Towed:*

- a. Towing Fee: \$177.10. If a flatbed is used, the fee is \$197.34.
- b. Storage Fee: \$43.52 per twenty-four (24) hours.
- c. Administrative Fee: \$30.36.
- d. Research Fee: Actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.
- e. Labor Fee: \$177.10 per hour (starting when the person arrives at the scene of the vehicle and ending when such person leaves the scene), per person.

*(3) Class C Vehicle Towed:*

- a. Towing Fee: \$303.60. If a flatbed is used, the fee is \$325.86.
- b. Storage Fee: \$50.60 per twenty-four (24) hours.
- c. Administrative Fee: \$30.36.
- d. Research Fee: actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.
- e. Labor Fee: \$303.60 per hour (starting when the person arrives at the scene of the vehicle and ending when such person leaves the scene), per person.

*(4) Class D Vehicle Towed:*

- a. Towing Fee: \$404.80. If a flatbed or lowboy is used, the fee is \$325.86.
- b. Storage Fee: \$50.60 per twenty-four (24) hours.
- c. Administrative Fee: \$30.36.
- d. Research Fee: Actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.
- e. Labor Fee: \$101.20 per ¼ hour (starting when the person arrives at the scene of the vehicle and ending when such person leaves the scene), per person.

*(b) Tows directed or performed by government agencies ("Other Tows"):*

*(1) Class A Vehicle Towed:*

- a. Towing Fee:
  - 1. First fifteen (15) minutes: \$131.56.
  - 2. Each additional thirty (30) minutes or fraction thereof: \$55.66.
- b. Storage Fee:
  - 1. Indoor Storage: \$30.36 per twenty-four (24) hours.
  - 2. Outdoor Storage: \$24.29 per twenty-four (24) hours.
- c. Administrative Fee: \$30.36.
- d. Research Fee: Actual costs incurred in obtaining vehicle ownership information and providing notice may be charged to the person retrieving the vehicle.

*(2) Class B Vehicle Towed:*

- a. Tows may charge the same rates charged for Class B Private Property Tows, as identified in (a)(2), above.



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- (3) *Class C Vehicle Towed:*
  - a. Tows may charge the same rates charged for Class C Private Property Tows, as identified in (a)(3), above.
- (4) *Class D Vehicle Towed:*
  - a. Tows may charge the same rates charged for Class D Private Property Tows, as identified in (a)(4), above.
- (c) *Immobilization:* \$65.78 per vehicle.
- (d) *Road Service:*
  - (1) *Class A:* \$40.48.
  - (2) *Class B:* \$56.67.
  - (3) *Class C:* \$73.37.
  - (4) *Class D:* \$73.37.
- (e) *Winch Recovery:*
  - (1) *Class A:* \$101.20 for the first thirty (30) minutes and \$50.00 for each additional thirty (30) minutes.
  - (2) *Class B:* \$177.10 for the first thirty (30) minutes and \$87.50 for each additional thirty (30) minutes.
  - (3) *Class C:* \$303.60 for the first thirty (30) minutes and \$150.00 for each additional thirty (30) minutes.
  - (4) *Class D:* \$404.80 for the first thirty (30) minutes and \$200.00 for each additional thirty (30) minutes.
- (f) *Miscellaneous fee provisions:*
  - (1) If the towed vehicle is retrieved within the first six (6) hours of arriving at the storage facility, the person retrieving the vehicle may not be charged a Storage Fee.
  - (2) An Administrative Fee may not be charged if the vehicle owner is identified within twenty-four (24) hours of the vehicle arriving at the storage facility.
  - (3) The person retrieving the vehicle may pay a \$5.06 voluntary fee to expedite vehicle ownership verification.
  - (4) The rates for Other Tows do not apply to tows conducted on behalf of a government agency pursuant to a contract between the government agency and a licensed tow company if such contract provides a different rate structure.
  - (5) Research Fees may be charged only when the tow company providing the service must actually perform research to determine ownership of a vehicle to notify the vehicle owner, lien-holders, and insurance companies. Written documentation of the efforts undertaken to ascertain ownership of the vehicle must be made available for inspection by the County upon request. Costs shall mean actual fees charged by the State of Florida for obtaining ownership information and shall include the cost of actual postage fees, advertising fees (if more than a single vehicle is advertised in the same advertisement, then the cost of the advertisement shall be prorated per vehicle), and title search for out-of-state vehicles. Proof of all costs incurred by the tow company must be made available for inspection by the County upon request.



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- (6) Effective October 1, 2015, and each October 1 through October 1, 2019, all fees referenced in this Section 27-150, except the credit card fee, shall be increased by the annual percentage change in the Consumer Price Index ("CPI") or three percent (3%), whichever is less. Each year's fee increase shall be calculated based on the fee amount from the previous year. The CPI utilized shall be the most recent CPI reported by the Bureau of Labor Statistics, Southeastern Regional Office (1982-84=100), urban wage earners and clerical workers, for all items not seasonally adjusted as published in January. The adjusted fees shall be calculated by the Broward County Environmental Licensing and Building Permitting Division and shall be posted on its website. After October 1, 2019, but before October 1, 2020, the Board of County Commissioners must consider future CPI increases to the rates provided for herein.
- (7) If payment is made by credit card, a credit card fee in the amount of three percent (3%) may be charged to the vehicle owner.

Broward County Board of County Commissioners

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