



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 14, 2022

Honorable Kevin Madok
Clerk of the Circuit Court
Monroe County
500 Whitehead Street, Suite 101
Key West, Florida 33040

Attention: Liz Yongue

Dear Kevin Madok:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Monroe County Ordinance No. 011-2022, which was filed in this office on September 14, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

September 14, 2022

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is a copy of Ordinance No. 011-2022 of the Board of County Commissioners of Monroe County, Florida, amending Section 25-4 of the Monroe County Code; increasing maximum rates for wrecker operators in the unincorporated County who provide motor vehicle towing and storage at the request of a law enforcement officer; revising rates; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on August 17, 2022. Should you have any questions please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Liz Yongue, Deputy Clerk

cc: County Administrator
County Attorney
MuniCode
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040

MARATHON
3117 Overseas Highway
Marathon, Florida 33050

PLANTATION KEY
88770 Overseas Highway
Plantation Key, Florida 33070

ORDINANCE 011 - 2022

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 25-4 OF THE MONROE COUNTY CODE; INCREASING MAXIMUM RATES FOR WRECKER OPERATORS IN THE UNINCORPORATED COUNTY WHO PROVIDE MOTOR VEHICLE TOWING AND STORAGE AT THE REQUEST OF A LAW ENFORCEMENT OFFICER; REVISING RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") finds it necessary from time to time to review and amend an ordinance to maintain its effectiveness and desired intent; and

WHEREAS, the Board directed the County Attorney to review this Ordinance, the County's Law Enforcement Tow Ordinance to determine if the rates previously set need to be updated due to inflation; and

WHEREAS, the Board is vested with the statutory authority to establish maximum rates for towing and storage pursuant to F.S. 125.0103(1)(b), F.S. 323.001(2), and F.S. 715.07(2)(b); and

WHEREAS, the Board finds that the public interest would be served by enacting amendments to Monroe County Code Sec. 25-4 to update the rate and fee schedule and make other desired changes;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:

[Additions are underlined; deletions have been ~~struck through~~]

SECTION 1. Section 25-4(d)(1) is hereby amended as follows:

(d) *Rates.*

(1) For the removal and storage of wrecked or disabled motor vehicles or for the removal and storage of abandoned motor vehicles at the request of a law enforcement officer, the maximum rate that may be charged by a wrecker operator is as follows, based on the lowest class of wrecker service required for the vehicle, with any trailered appurtenance, for which law enforcement has requested towing:

<i>Class A Wrecker Service</i>		
Base rate (anytime a wrecker is called to a site)		\$135.00 <u>\$200.00</u>
Inside storage (per day)		\$40.00 <u>\$50.00</u> plus \$2.00 <u>\$3.00</u> per foot for motor vehicles over 20 feet long
Outside storage (per day)		\$30.00 <u>\$40.00</u> plus \$2.00 <u>\$3.00</u> per foot for motor vehicles over 20 feet long
Administration fee		\$25.00 <u>\$50.00</u>
Notification fee		\$50.00 <u>\$75.00</u> first notification \$20.00 <u>\$25.00</u> each additional letter
Mileage rate from wrecker station to site and return		\$3.00 <u>\$4.00</u> per mile
Per hour charge beginning upon arrival on site, in one-fourth-hour increments		\$135.00 <u>\$200.00</u>
After hours gate fee		\$75.00 <u>\$200.00</u>
Service call		\$75.00 <u>\$100.00</u>
<i>Class B Wrecker Service</i>		
Base rate (anytime a wrecker is called to a site)		\$200.00 <u>\$300.00</u>
Inside storage (per day)		\$40.00 <u>\$50.00</u> plus \$2.00 <u>\$3.00</u> per foot for motor vehicles over 20 feet long
Outside storage (per day)		\$30.00 <u>\$40.00</u> plus \$2.00 <u>\$3.00</u> per foot for motor vehicles over 20 feet long
Administration fee		\$25.00 <u>\$50.00</u>
Notification fee		\$50.00 <u>\$75.00</u> first notification \$20.00 <u>\$25.00</u> each additional letter
Mileage rate from wrecker station to site and return		\$4.00 <u>\$5.00</u> per mile
Per hour charge beginning arrival on site, in one-fourth-hour increments		\$180.00 <u>\$300.00</u>
After hours gate fee		\$75.00 <u>\$200.00</u>
Service call		\$75.00 <u>\$100.00</u>
<i>Class C Wrecker Service</i>		
Base rate (anytime a wrecker is called to a site)		\$485.00 <u>\$600.00</u>

Mileage rate from wrecker station to site and return		\$5.00 <u>\$6.00</u> per mile
Inside storage (per day)		\$40.00 <u>\$50.00</u> plus \$2.00 <u>\$3.00</u> per foot for motor vehicles over 20 feet long
Outside storage (per day)		\$30.00 <u>\$40.00</u> plus \$2.00 <u>\$3.00</u> per foot for motor vehicles over 20 feet long
Administration fee		\$25.00 <u>\$50.00</u>
Per hour charge beginning upon arrival on site, in one-fourth-hour increments		\$300.00 <u>\$600.00</u>
After hours gate fee		\$75.00 <u>\$200.00</u>
Service call		\$75.00 <u>\$100.00</u>

SECTION 2. Section 25-4(g) is hereby amended as follows:

(g) *Penalties.* This section may be enforced by ~~the Florida Highway Patrol and~~ the sheriff's office or any state law enforcement agency and any police force within Monroe County, Florida.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or provision of this ordinance is held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 4. CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

SECTION 5. INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances in the County of Monroe, Florida, as additions or amendments thereto, and the Monroe County Code shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6. TRANSMITTAL AND EFFECTIVE DATE This ordinance shall be filed with the Department of State and shall be effective as provided in section 125.66(2), Florida Statutes.

[remainder of page intentionally left blank]



Published Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

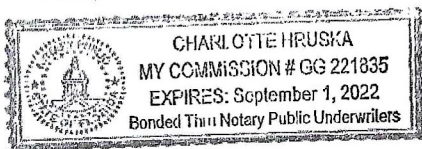
Before the undersigned authority personally appeared JASON KOLER who on oath, says that he is PUBLISHER of the WEEKLY NEWSPAPERS, a weekly newspaper published in Marathon, in Monroe County, Florida; that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

August 4, 2022

Affiant further says that the said WEEKLY NEWSPAPERS is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, once each week (on Thursday) and has been qualified as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Weekly Newspapers is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Sworn to and subscribed before me
this 4 day of August 2022.
(SEAL)

Charlotte Hruska
Notary



NOTICE OF INTENT TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on August 17, 2022, at 1:30 P.M., or as soon thereafter as the matter may be heard, at the Harvey Government Center, 1200 Truman Ave, Key West, Florida, the Board of County

Commissioners of Monroe County, Florida, intends to consider adopting the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 25-4(d) (1) OF THE MONROE COUNTY CODE; INCREASING MAXIMUM RATES FOR WRECKER OPERATORS IN THE UNINCORPORATED COUNTY WHO PROVIDE MOTOR VEHICLE TOWING AND STORAGE AT THE REQUEST OF A LAW ENFORCEMENT OFFICER; REVISING RATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Monroe County website by viewing the agenda packet for the August 17 meeting, which will be posted beginning on August 5, 2022 at: <http://monroecountyfl.com/citizens/default.aspx>. The ordinance may also be viewed at the Monroe County Attorney's office at 1111 12th St., Suite 408 Key West, FL 33040.

The public can participate in the August 17, 2022, meeting of the Board of County Commissioners of Monroe County, FL by attending in person or via Zoom. The Zoom link can be found in the agenda at <http://monroecountyfl.com/citizens/default.aspx>.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. -- 5:00 p.m., prior to the scheduled meeting. If you are hearing or voice-impaired, call 711. Live Closed-Captioning is available via our web portal at <http://monroecountyfl.com/Citizens/Default.aspx> for meetings of the Monroe County Board of County Commissioners. Dated at Key West, Florida, this 2nd day of August 2022.

KEVIN MADOK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Monroe County, Florida
Publish:
August 4, 2022
The Weekly Newspapers

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said board held on August 17, 2022.



Mayor David Rice	<u>Yes</u>
Mayor <i>Pro Tem</i> Craig Cates	<u>Yes</u>
Commissioner Michelle Coldiron	<u>Yes</u>
Commissioner James K. Scholl	<u>Yes</u>
Commissioner Holly Merrill Raschein	<u>Yes</u>

Kevin Madok, Clerk

BOARD OF COUNTY
COMMISSIONERS OF MONROE
COUNTY, FLORIDA

By: *Kevin Madok*
As Deputy Clerk

By: *David Rice*
Mayor/Chairman

FILED FOR RECORD

2022 SEP 14 AM 9:03

CLERK CIR. CL.
MONROE COUNTY, FL

James D.
Molenaar

Digitally signed by James D.
Molenaar
Date: 2022.08.10 15:26:32
-04'00'

Approved as to Form and Legal Sufficiency
James D. Molenaar
Asst. County Attorney
MONROE COUNTY ATTORNEY'S OFFICE

THE CITIZEN

The Florida Keys Only Daily Newspaper, Est. 1876

PO Box 1800, Key West FL 33041
P: (305) 292-7777 ext. 219 F: (305) 295-8025
legals@keysnews.com

MONROE CO ADMIN/BOCC
1100 SIMONTON ST STE 2-205
KEY WEST FL 33040

Account: 423273

Ticket: 3857570

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA COUNTY OF MONROE

Before the undersigned authority personally appeared

_____ Melinda Prescott _____, who on oath says that he or she is

The legal advertising representative of the Key West Citizen, a five day newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of Request Tow Ordinance was published in said newspaper in the issues of:

Saturday, August 6, 2022

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida Tuesday thru Saturday weekly, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Melinda Prescott
(Signature of Affiant)

Affirmed and subscribed before me this 10th day of August 2022

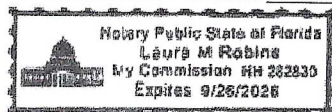
Laura M Robins
(Notary Public Signature)

_____ Laura M Robins _____
(Notary Public Printed Name)

My commission expires 9/26/2026

Personally Known ☒ Produced Identification _____

Type of Identification Produced _____ (Notary Seal)



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Dated at Key West, Florida, this 2nd day of August 2022.

(SEAL)
KEVIN MADOK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Monroe County, Florida
08/06/2022 - KWC
423273 3857570