

RESOLUTION 2018-20

A RESOLUTION OF THE IMMOKALEE FIRE CONTROL DISTRICT ESTABLISHING USER CHARGES; ENFORCEMENT AND PENALTY; CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Immokalee Fire Control District ("District") is an independent special fire control and rescue district established by an act of the Florida Legislature in 1955 and is governed by Chapter 2000-393, Laws of Florida, as amended, and Chapters 189 and 191, Florida Statutes ("F.S."), and provides fire protection and prevention services and rescue response services to an approximately 234-square mile area in Collier County; and

WHEREAS, the Board of Fire Commissioners ("Board") of the District is responsible for the fire prevention, fire protection, and emergency rescue services within the District; and

WHEREAS, Section 7 of the District's Charter, found in Section 3 of Chapter 2000-393, Laws of Florida, authorizes the District to assess and collect taxes, assessments, impact fees, and user charges in the manner prescribed by general law or special law; and

WHEREAS, Section 191.009(3)(d), Florida Statutes ("F.S."), authorizes the District's Board to provide a reasonable schedule of charges for inspecting structures, plans, and equipment to determine compliance with firesafety codes and standards; and

WHEREAS, Chapter 633, F.S., authorizes an independent special fire and control and rescue district to provide a schedule of fees to pay the costs of fire inspections and related administrative expenses; and

WHEREAS, Section 633.208, F.S., provides that each independent special fire control and rescue district is required to enforce the Florida Fire Prevention Code, as may be amended; and

WHEREAS, specific occupancy classifications are required by law and state and/or federal regulations to comply with a periodic fire and life safety inspections; and

WHEREAS, the establishment of a fee schedule for special events will enable the District to educate the public, to enhance public safety, and to enforce the Florida Fire Prevention Code uniformly throughout the District's boundaries.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF THE IMMOKALEE FIRE CONTROL DISTRICT AS FOLLOWS:

I. Definitions. As used herein, the following terms shall have the specified meanings unless another meaning is clearly required by the text.

1. "Property Owner" or "Owner" means the owner of the Premises, including each co-owner of the property, including but not limited to, each tenant in common.
2. "Premise" or "Premises" means any residence, building, structure, apartment, office, condominium, or any other unit thereof.
3. "Responsible Party" means:
 - a. each Owner;
 - b. each occupant of the Premises who is 18 years or older;
 - c. each tenant and subtenant; and
 - d. other persons or entities if any that have by written agreement with the owner agreed to be responsible for that Premises.

II. Schedule of Fees; General Provisions.

1. The Board approves and adopts the Schedule of Fees, attached hereto as Exhibit A, as those fees charged by the District for performing the services enumerated therein. The Board shall review the Schedule of Fees on an annual basis and will adopt any changes, if needed, by resolution.
2. All existing buildings shall be identified by occupancy classification per the Florida Fire Prevention Code, the District's Amendments to the Florida Fire Protection Code, and Schedules of Inspections for Existing Occupancies and Regulatory License required by the State of Florida. The Schedule of Fees sets forth fair and reasonable sums to be assessed to those who receive the benefits of the fire prevention, fire protection, and rescue services provided by the District. The Schedule of Fees is reasonably related to the cost of providing such services.

3. The District, in its sole discretion, can waive or modify the Schedule of Fees upon a written request from a Responsible Party.

4. The Fire Chief or his/her designee is authorized to take any and all necessary steps for the implementation of this Resolution and the Schedule of Fees. The Fire Chief or his/her designee is hereby delegated the authority to waive or modify the Schedule of Fees upon a written request from a Responsible Party.

5. The failure to pay an invoice within thirty (30) days from the date of inspection may result in further legal action such as the imposition of a lien in accordance with Chapter 191, F.S., and any other applicable laws. All collection costs including accrued late fee services, court fees, and reasonable attorney's fees shall be charged.

III. Miscellaneous.

1. Enforcement. Enforcement of this Resolution and collection of fines, fees, and charges assessed hereunder may be by civil action, criminal prosecution, and/or any manner authorized by law, including filing liens against the Premises.

2. Joint and Several Liability to Pay Fees and Fines. All fees and/or fines charged under this Resolution shall be an obligation owed jointly and severally by each Responsible Party. Fees and fines shall be paid to the District within the time periods specified in this Resolution, except as may be otherwise ordered by a court of law.

3. Conflict and Severability. In the event that this Resolution conflicts with any other applicable Resolution or Ordinance of the District, or other applicable law, the more restrictive shall apply. If any phrase or portion of this Resolution is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

4. Effective Date. This Resolution shall be effective immediately upon adoption.

The foregoing resolution was offered by Commissioner Brister who moved for its adoption. The motion was seconded by Commissioner Olesky, and the Vote was as follows:

Commissioner Patricia Anne Goodnight



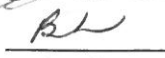
Commissioner Joseph Brister



Commissioner Edward Olesky



Commissioner Bonnie Keen

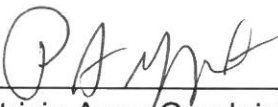


Commissioner Robert Halman



Duly passed and adopted on this 13th day of December, 2018.

Board of Commissioners of the Immokalee Fire Control District

By: 

Patricia Anne Goodnight, Chair

Exhibit A
Schedule of Fees

Special Event Fees

1. Personnel – Hourly overtime rate per employee hour for each District personnel member assigned to the Special Event, with a minimum billing of two (2) hours per Special Event and, if needed, each additional hour or portion thereof beyond the minimum will be charged as a full hour (not pro-rated) as follows:
 - a. Firefighter/EMT - \$37.45/hour
 - b. Engineer/EMT - \$43.35/hour
 - c. Lieutenant/EMT - \$50.19/hour
 - d. Captain/EMT - \$58.12
 - e. Battalion Chief/EMT - \$70.63
2. Apparatus – For each apparatus required for the Special Event, the FEMA Reimbursement Rates in effect at the time of the Special Event.