

RESOLUTION NO. 11 - 01 - 01

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT, LEE COUNTY, FLORIDA, TO ESTABLISH USER FEES AUTHORIZED BY FLORIDA LAW; TO RESCIND ALL RESOLUTIONS AND FEE SCHEDULES IN CONFLICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR LIBERAL CONSTRUCTION; TO PROVIDE FOR SCRIVENER'S ERRORS; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 191 of the Florida Statutes, in particular § 191.006(11), authorizes the Board of Commissioners, by Resolution, to establish and charge user fees in amounts necessary to conduct District activities and services; and,

WHEREAS, § 191.009(3) of the Florida Statutes authorizes the Board of Commissioners to provide for a reasonable Schedule of user charges, including but not limited to, charges for special emergency services, for fighting fires as a result of an illegal burn, for responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment, including a charge for responding to false alarms, and for inspecting structures, plans, and equipment to determine compliance with fire safety codes and standards; and,

WHEREAS, § 191.009(3)(e) of the Florida Statutes provides that the District shall have a lien upon any real property, motor vehicle, marine vessel, aircraft, or railcar for any charges assessed under § 191.009(3), Florida Statutes; and

WHEREAS, the Board of Commissioners has determined that user fees in the amounts described in the Schedule of Fees attached hereto as Exhibit A are necessary to conduct District activities and services.

NOW THEREFORE, be it resolved by the Board of Commissioners of the Lehigh Acres Fire Control and Rescue District, that:

SECTION ONE. INCORPORATION OF RECITALS.

The recitals set forth above are true and correct and form a part of this Resolution.

SECTION TWO. AUTHORITY.

The Board of Commissioners of the District is authorized to adopt this Resolution by Chapter 191, Florida Statutes, especially § 191.006(11) and § 191.009(3), Florida Statutes, and other applicable laws.

SECTION THREE. ESTABLISHMENT OF SCHEDULE OF FEES.

The Board of Commissioners hereby finds that it is necessary to charge user fees to conduct District activities and services in the amounts described in the Schedule of Fees attached hereto and made a part hereof as Exhibit A. The Schedule of Fees attached hereto and made a part hereof as Exhibit A is hereby adopted as the Schedule of Fees for the District on all matters described in the said Schedule of Fees.

SECTION FOUR. LIENS IN FAVOR OF THE DISTRICT.

As authorized by § 191.009(3)(e), Florida Statutes, the District shall have a lien upon any real property, motor vehicle, marine vessel, aircraft, or railcar for any charge assessed under § 191.009(3), Florida Statutes, including the charges described in the Schedule of Fees attached hereto as Exhibit A.

SECTION FIVE. RESCISSION OF ALL RESOLUTIONS IN CONFLICT.

The Board of Commissioners hereby rescinds all prior Resolutions and other official action of the Board of Commissioners to the extent of any conflict with any part of this Resolution or the contents of Exhibit A attached hereto. In particular, the Board of Commissioners hereby rescinds any prior adopted fees of the District to the extent of any conflict with any part of the Schedule of Fees attached hereto and made a part hereof as Exhibit A.

SECTION SIX. SEVERABILITY.

If any section, subsection, sentence, clause, or other provision of this Resolution is held invalid, unconstitutional, inoperative, or void by a court of competent jurisdiction, such portion will be deemed a separate provision, and such holding shall not affect the remainder of this Resolution or of the Schedule of Fees attached hereto and made a part hereof as Exhibit A. The Board of Commissioners further declares its intent that this Resolution would have been adopted even if such invalid or unconstitutional provision was not included herein.

SECTION SEVEN. SCRIVENER'S ERRORS.

The Board of Commissioners intends that all sections of this Resolution and of the Schedule of Fees, attached hereto and made a part hereof as Exhibit A, which contain typographical errors that do not affect the intent of this Resolution or the Schedule of Fees attached hereto as Exhibit A can be administratively corrected by the authorization of the District's Fire Chief, or his designee, without the requirement of having the corrected Resolution having to be adopted by the Board of Commissioners.

SECTION EIGHT. CONSTRUCTION AND EFFECTIVE DATE.

This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION WAS OFFERED BY COMMISSIONER Shea WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY COMMISSIONER Carter AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

Commissioner Jeffery Berndt	<u>Aye</u>
Commissioner David P. Adams	<u>Aye</u>
Commissioner Larry Becker	<u>Larry Becker ya Aye</u>
Commissioner Linda Carter	<u>Aye</u>
Commissioner Kevin Shea	<u>Aye</u>

Duly passed and adopted on this 20 day of January, 2011.

BOARD OF COMMISSIONERS OF
THE LEHIGH ACRES FIRE CONTROL
AND RESCUE DISTRICT

By: JEFFREY Berndt
[Signature], Chair

Attest: Larry Becker
David Adams Secretary

EXHIBIT A

To Resolution #11 - 01 - 01

SCHEDULE OF FEES

SECTION A. NEW CONSTRUCTION FEES

New Construction Fees apply to the construction, renovation and/or modification of new and existing facilities, structures, occupancies, uses, etc.

Inspection Type	Fee
Fire Flow Test (to determine fire flow).....	\$ 75.00
Dry Hydrant Test (Contractor must furnish equipment).....	\$ 150.00
Fireworks Display (Includes Plans Review and Site Inspection)	\$100.00
Tent w/o Fireworks (Includes Plan Review & Inspection).....	\$ 75.00
Tent With Fireworks (Includes Plan Review & Inspection)	\$150.00
New Building Shell (Includes 1 st Plan Review and Inspection)	\$ 0.05 p/square ft
Accessory Use Inspection (Awning, Fence, slab, Communication Tower)	\$50.00
Tenant Renovation Improvement (Includes Plan Review & Inspection).....	\$ 100.00
Underground Tank(s) (Includes Plan Review & Inspection).....	\$ 150.00
Aboveground Tank(s) (Includes Plan Review & Inspection).....	\$ 150.00
Flammable Liquids Dispensing (Per Dispenser – Includes Plan Review & Insp)....	\$ 10.00
Underground LP Fuel Tank(s) & Piping (Includes Plan Review & Inspection).....	\$150.00
Aboveground LP Fuel Tank(s) & Piping (Includes Plan Review & Inspection).....	\$ 75.00
Fire Main Underground and Flush (Includes Plan Review and Inspection)	\$150.00
Standpipe System (Per Riser – Includes Plan Review and Inspection).....	\$ 75.00
Fire Sprinkler (Base Fee) (Includes Plan Review and Inspections).....	\$ 75.00
Fire Sprinkler (Per Head)(Includes Plan Review and Inspections).....	\$ 0.40
Fire Pump Flow / Acceptance (Includes Plans Review & Inspection).....	\$ 150.00
Fixed Fire Suppression System (Includes Plan Review & Inspection).....	\$ 75.00
Commercial Hood (Includes Plan Review & Inspection)	\$ 75.00
Fire Alarm System (Base Fee – Includes Plan Review and Inspection).....	\$ 75.00
Fire Alarm System (Per Device Additional – Includes Plan Review & Inspection)...	\$ 1.00
Central Station Acceptance Test.....	\$ 75.00
Flammable Liquid Spray Booth (Includes Plan Review & Inspection).....	\$ 75.00
Special Event Inspection/Permit (Includes Plan Review & Inspection).....	\$100.00
Special Event Fee for Standby of District Personnel and Equipment (Minimum of 2 firefighters and 1 Rescue Unit [1 Paramedic and 1 EMT] for events expected to maintain a crowd of 1000 or more persons)	
Burn Site Inspections (3-Day permit).....	\$ 75.00
Emergency Generator Test & Acceptance (Includes Plan Review and Inspection).	\$150.00

Smoke Control System Test (Includes Plan Review & Inspection).....	\$150.00
Requested Inspection (After Normal Hours).....	\$200.00
Reinspection Fee (minimum)	\$50.00
Training Surcharge Fee (Based upon new commercial construction, does not include residential type occupancies) – structure with measurable square footage).....	\$ 0.01 per square foot

SECTION B. EXISTING CONSTRUCTION/BUSINESS FEES

These fees pertain to the annual inspection of facilities, structures, uses and/or occupancies.

Hydrant Flow Test (to determine fire flow).....	\$ 75.00
Dry Hydrant Test	\$ 150.00
Occupancy Inspection < 3,000 square feet	\$ 60.00
Occupancy Inspection 3,000 to 9,999 square feet.....	\$ 75.00
Occupancy Inspection 10,000 to 19,999 square feet.....	\$ 100.00
Occupancy Inspection 20,000 square feet and up.....	\$ 150.00
Annual Hospital	\$ 250.00
Annual Nursing Home.....	\$ 200.00
Annual Adult Family Care Home	\$ 75.00
Annual Daycare < 25 Children	\$ 50.00
Annual Daycare 25+ Children	\$ 75.00
Review of Facility Evacuation Plan.....	\$ 100.00

SECTION C. MISCELLANEOUS ADMINISTRATIVE FEES

Research fees (\$20.00 per hour)	\$ 20.00 minimum
Copy fees Black and White 8.5 x 11 (Non-signed/Non-official).....	\$ 0.15 per copy/per page
Official, signed copies, resolutions, fire reports etc ...(certified).....	\$ 1.00 per copy/per page
Faxing fees	\$ 1.00 per page
Reproduction fees for other copies	
(1) Black and White 11 x 17.....	\$.50 per copy/per page
(2) Black and White 8.5 x 14.....	\$.15 per copy/per page
Cancelled or Returned Check Fee.....	\$ 25.00
Certificates for Public Training Course.....	\$ 5.00 Each Copy
American Heart Heartsaver CPR/AED Course ...(per person)	\$25.00
American Heart Pediatric Heartsaver CPR/AED Course ..(per person)	\$25.00
American Heart Heartsaver CPR First Aid Course	\$75.00
American Heart First Aid Course	\$50.00
American Heart BLS for Healthcare Provider Course	\$75.00
American Heart Advanced Cardiac Life Support Course (Initial)	\$180.00

American Heart Advanced Cardiac Life Support Course (Renewal)	\$130.00
American Heart Pediatric Advanced Life Support Course (Initial)	\$180.00
American Heart Pediatric Advanced Life Support Course (Renewal)	\$130.00
Written Protection Classification Rating Determination (office determination)	\$ 10.00
Written Protection Classification Rating Determination (field inspection).....	\$ 45.00
Engine Standby (Per Hour).....	\$70.00
Ambulance (Per Hour).....	\$140.00 p/hour
Brush Truck Standby (Per Hour).....	\$30.00
Fire Crew Standby (Hourly Rate + Administrative Fee).....	Actual + \$50.00

SECTION D. FALSE FIRE ALARM FEES

The following fees shall be charged for false fire alarms occurring within the District.

(1) False Fire Alarms at Residential Properties **(1 + 2 Family Dwellings)**

(a) 1 st and 2 nd False Fire Alarm	\$0
(b) 3 rd False Fire Alarm	\$25.00
(c) 4 th False Fire Alarm	\$50.00
(d) 5 th False Fire Alarm	\$75.00
(e) 6 th False Fire Alarm and each additional response	\$100.00

(2) False Fire Alarms at Commercial Properties

(a) 1 st and 2 nd False Fire Alarm	\$0
(b) 3 rd False Fire Alarm	\$50.00
(c) 4 th False Fire Alarm	\$100.00
(d) 5 th False Fire Alarm	\$200.00
(e) 6 th False Fire Alarm and each additional response	\$300.00

SECTION E. MISCELLANEOUS NOTES

Plan review includes the initial review only. Reviews of re-submittals shall incur a review fee that is the sum of all of the hours required to perform the review multiplied by the reviewer's hourly rate.

Inspections included in the stated fees will be as noted in the invoice and/or letter.

ALL FEES MUST BE PAID IN FULL PRIOR TO THE FIRST INSPECTION, AND/OR THE FIRST RE-SUBMITTAL OF PLANS. ALL RE-INSPECTION OR SPECIAL INSPECTION FEES DUE MUST BE PAID IN ADVANCE AND PRIOR TO THE INSPECTION BEING CONDUCTED OR SERVICES BEING PROVIDED. ALL NON-INSPECTION FEES SHALL BE DUE AND PAYABLE UPON BEING INVOICED AND SHALL BE PAID WITHIN THIRTY (30) DAYS OF THE INVOICE DATE.

All four "Occupancy Inspection" fees described in Section B. above shall not apply to the first annual fees for the four Occupancy Inspection fees listed; however, if a second Occupancy Inspection is required on any parcel of land, the above stated Occupancy Inspection fees shall be charged and due and payable.

ALL FEES SHALL BE DUE AND PAYABLE IN ADVANCE OF INSPECTIONS BEING PERFORMED OR WITHIN 30 DAYS OF THE INVOICE DATE FOR NON-INSPECTION FEES.

The District, in the District's sole discretion, can waive or modify the annual inspection fees for hospitals, nursing homes, ACLF's, day care facilities for less than 25 children, and day care facilities for more than 25 children, and the special event inspection fees, upon a written request from the property owner.

The fees for utilization of District equipment not otherwise described herein shall be based upon the most current version of FEMA's Schedule of Equipment Rates.

The cost for the use of District personnel for the provision of any activity shall be computed at each employee's complete hourly rate for all time used.

The above referenced False Fire Alarm fees are based on False Fire Alarms on a per property basis during each calendar year. A new list of False Fire Alarms shall begin January 1st of each calendar year.

Any Special Event that is expected to generate a crowd of 1000 or more persons will be required to secure a minimum of one paramedic, one EMT and one ambulance, licensed within Lee County and the State of Florida to provide Advanced Life Support Services by Lee County or the Lehigh Acres Fire Control and Rescue District. The Fire Marshal may require additional units, based upon the expected crowd size of the event.

In accordance with Florida Statutes – Chapter 215.322 Acceptance of credit cards, charge cards, or debit cards by state agencies, units of local government, and the judicial branch. – Through this Resolution, the District has adopted a convenience fee, to offset the cost to the District for the customer to use a credit card or debit card. The convenience fee will be \$3.00 per transaction.