



RESOLUTION 19-002

A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS FOR THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT, COLLIER COUNTY, FLORIDA, PROVIDING FOR THE CHARGE OF FEES FOR THE PROVISION OF TRAINING AND EDUCATION COURSES, BOOKS, MATERIALS, AND OTHER DISTRICT RESOURCES RELATED TO SUCH TRAINING; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the North Collier Fire Control and Rescue District ("District") is an independent special fire control and rescue district governed by Chapter 2015-191, Laws of Florida, and Chapters 189 and 191, Florida Statutes ("F.S."), and provides emergency fire and medical rescue services to an approximately 264-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 medical and rescue services within the District; and

WHEREAS, Section 4 of the District's Charter, found in Section 3 of Chapter 2015-191, Laws of Florida, authorizes the District to do all things necessary to provide adequate fire prevention and fire protection; and

WHEREAS, Section 191.006(11), F.S., grants the District the right to charge user fees authorized by resolution of the Board in amounts necessary to conduct District activities and services; and

WHEREAS, Section 191.006(13), F.S., grants the District the right to cooperate or contract with other persons or entities convenient, incidental, or proper in connection with furthering any power, duty, or purpose authorized by Chapter 191, F.S.; and

WHEREAS, the District desires to provide training and education to other agencies and individuals related to fire prevention and fire protection; and

WHEREAS, the District desires to provide for the assessment and collection of user fees for the provision of such training and education, and the use of District resources, by adoption of this Resolution; and

WHEREAS, the fees for such training will be determined by the duration of the training course and the materials and other resources required with such fee schedule to be determined by the District on a course-by-course basis; and

WHEREAS, the fees that will be charged by the District will be reasonable in relation to the special benefit received by the fee payer in order to satisfy the “dual rational nexus” test; and

WHEREAS, the establishment of fees for such services will enable the District to educate the public and to enhance public safety throughout the District’s boundaries.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT AS FOLLOWS:

I. Schedule of Fees; General Provisions.

1. Fees. The Board approves and authorizes the District to charge fees for the provision of fire prevention and fire protection training and education courses, books, materials, and other District resources related to such training (“Fees”), as determined on a course-by-course basis, with such Fees being reasonable in relation to the special benefit received by the fee payer. Such Fees are due and payable by the fee payer prior to the provision of any training and education courses, books, materials, or other District resources related to such training.

2. Delegation. The Fire Chief or his/her designee is authorized to take any and all necessary steps for the implementation of this Resolution and the charging of Fees.

III. Miscellaneous.

1. Conflict and Severability. In the event that this Resolution conflicts with any other applicable Resolution 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.

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

The foregoing Resolution was offered by Commissioner Calamari who moved for its adoption.

The motion was seconded by Commissioner Feder and the Vote was as follows:

Commissioner M. James Burke	Yay
Commissioner James A. Calamari	Yay
Commissioner Christopher L. Crossan	Yay
Commissioner Norman E. Feder	Yay
Commissioner J. Christopher Lombardo	Yay

Duly passed this 13th day of February, 2019 by the Board of Fire Commissioners of the North Collier Fire Control and Rescue District.