

RESOLUTION 2023 - 03

A RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS FOR THE GREATER NAPLES FIRE RESCUE DISTRICT, COLLIER COUNTY, FLORIDA, PROVIDING FOR THE CHARGE OF FEES FOR LIFT ASSIST INCIDENTS; PROVIDING FOR ENFORCEMENT AND PENALTY; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Greater Naples Fire Rescue District (“District”) is an independent special fire control and rescue district governed by an independent special district created under Chapter 2014-240, Laws of Florida, as subsequently amended, and Chapters 189 and 191, Florida Statutes (“F.S.”), and provides emergency fire prevention, fire protection, and medical rescue services within its boundaries in Collier County; and

WHEREAS, the Board of Fire Commissioners (“Board”) of the District is responsible for the fire prevention, fire protection, and medical rescue services within the District in accordance with an independent special district created under Chapter 2014-240, Laws of Florida, as subsequently amended, and Chapters 191 and 633, F.S.; and

WHEREAS, Article 3.03 of the District’s Charter, found in Section 4 of an independent special district created under Chapter 2014-240, Laws of Florida, as subsequently amended, authorizes the District to do all things necessary to provide adequate fire prevention, fire protection, and medical rescue services; and

WHEREAS, Articles 5.01 and 5.05 of the District’s Charter, found in Section 4 of an independent special district created under Chapter 2014-240, Laws of Florida, as subsequently amended, provides that the District’s ability to charge fees and service charges is set forth in the charter and Chapter 191, F.S.; and

WHEREAS, Section 191.009, F.S., authorizes the Board to provide a reasonable schedule of charges for special emergency services to which the District has been called to render such services; 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, Lift Assist Incidents are common in many emergency medical services (“EMS”) systems, and result when 911 is called because a person is unable to get up, is subsequently determined to be Non-Emergent at the dispatch and notification Public Safety Answering Point (“PSAP”), and is not transported for further medical attention; and

WHEREAS, under the Collier County Emergency Dispatch System, Lift Assist Incidents are coded utilizing a non-medical determinate; and

WHEREAS, when the District responds to these incidents to provide the appropriate services, Collier County EMS is not dispatched unless additional assistance is needed by the District upon arriving at the facility; and

WHEREAS, due to a growing number of senior living and assisted living facilities within the District’s boundaries, there has been an increase in Lift Assist Incidents; and

WHEREAS, the Board has determined that it is in the best interest of the District to assess reasonable fees for Lift Assist Incidents within its service areas to offset the costs associated with providing such services; and

WHEREAS, the Board finds that the fees set forth herein are fair and reasonable sums to be assessed to those who receive the benefits of the rescue services provided by the District and is reasonably related to the cost of providing such services.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF THE GREATER NAPLES FIRE RESCUE DISTRICT AS FOLLOWS:

I. Recitals. The recitals set forth above are true and correct and are hereby incorporated into this Resolution as though specifically stated herein. Any capitalized term used in this Resolution and not otherwise defined shall have the meaning ascribed to such term in the Resolution.

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

1. “Licensed Care Facility” means a licensed assisted living facility or nursing home. Licensed adult family homes and private residences are not included in the definition of Licensed Care Facility.

2. "Lift Assist Incident" means when a 9-1-1 is called because of a person's inability to get up, and the person is subsequently determined to be Non-Emergent and is not transported for further medical attention.

3. "Non-Emergent" or "Non-Emergency" means a determination, based upon an assessment made by the commanding officer of the District's emergency response unit, that the person for whom the Lift Assist Incident was made does not have an acute, serious, or life-threatening injury or complaint; is not medically unstable; or does not have an immediate health risk.

4. "Responsible Party" means the Licensed Care Facility who makes a Lift Assist Incident.

III. Schedule of Fees; General Provisions.

1. Fees. The Board approves and authorizes the District to charge the Responsible Party \$150.00 per Lift Assist Incident.

2. Reasonableness of Fees. The fees set forth herein represent fair and reasonable sums to be assessed to those who receive the benefits of the services provided by the District. The sums set forth herein are reasonably related to the cost of providing such services.

3. Payment Due. All fees are due and payable within thirty (30) days of notice of fees by the District. All fees should be submitted to the District at Administrative Headquarters, 14575 Collier Blvd., Naples, FL 34119.

4. Fee Waiver. The Fire Chief or his/her designee, in his/her sole discretion, may waive or modify a fee upon a written request from a Responsible Party.

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

6. Failure to Pay and Liability. The failure to pay an invoice within thirty (30) days from the date of the notice of fees may result in further legal action 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 the collection of fines, fees, and charges assessed hereunder may be by civil action, criminal prosecution, and/or any manner authorized by law, including the filing of liens.

2. 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.


3. Effective Date. This Resolution shall take effect on August 1, 2023.

BE IT FURTHER RESOLVED, that this resolution is recorded in the minutes of the Greater Naples Fire Rescue District Board of Fire Commissioner meeting in session on Tuesday, May 9, 2023.

The foregoing Resolution was offered by Commissioner Cross, who moved its adoption.

The motion was seconded by Commissioner Biondo, and the vote was as follows: 4-1.

PASSED AND DULY ADOPTED by at least a majority vote of the Greater Naples Fire Rescue District Board of Fire Commissioners of Collier County, Florida, this 9th day of May, 2023.


Chairman Al Duffy