

STORAGE NAME: h1699.ca

DATE: April 6, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1699

RELATING TO: Port Jurisdictional Area/Everglades

SPONSOR(S): Representative Wasserman Schultz

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) COMMUNITY AFFAIRS (PRC)

(2)

(3)

(4)

(5)

I. SUMMARY:

This bill transfers the authority of all powers, duties, responsibilities, obligations and functions for fire protection in the Port Jurisdictional Area (Port) from Broward County to the City of Hollywood.

This bill requires Broward County to transfer all fire protection books, records, funds and monies to the City of Hollywood.

This bill imposes all liability for fire protection services on the City of Hollywood.

This bill provides for the continuation of all existing contracts and provides that all employees supplying fire protection services to the Port will remain employed by the City of Hollywood.

This bill enables the City of Hollywood with certain extra-jurisdictional powers to provide fire protection services to the Port.

This bill clarifies that Broward County will continue to supply Emergency Medical Services to the Port.

This bill requires a referendum.

Although the Economic Impact Statement states that this bill does not appear to contain a fiscal impact, an interoffice Broward County memorandum indicates otherwise. **See IV. COMMENTS, C. OTHER COMMENTS section.**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

This bill creates new responsibilities for the City of Hollywood, as it requires the city to provide fire protection services for the Port.

B. PRESENT SITUATION:

Chapter 59-1157, L.O.F., creates the Broward County Port Authority and the Broward County Port District through special act.

Chapter 65-1318, L.O.F., changes the names of the Broward County Port Authority and the Broward County Port District to the Port Everglades Authority and the Port Everglades District, respectively.

Chapter 89-427, L.O.F., amends ch. 59-1157, L.O.F. as amended. This special act authorizes the following:

Part III. Port Everglades Authority

Section 2 -- The Port Authority shall have full power and authority:

- (5) -- To provide for the protection of persons and property within the Port Jurisdictional Area by establishing and maintaining a police force and a fire department or any combination thereof, as hereinafter provided, or by contracting with another governmental entity to provide police and fire protection within the Port Jurisdictional Area.

Chapter 91-346, L.O.F., provides in part, the following:

Section 5. The Port Everglades District and the Port Everglades Authority created pursuant to chapter 59-1157, Laws of Florida, as amended, and chapter 89-427, L.O.F., is dissolved on November 22, 1994.

Section 6. Upon dissolution, all powers, duties, responsibilities, obligations, and functions of the Port Everglades District and the Port Everglades Authority shall be performed by Broward County and the county shall assume all indebtedness of the Port Everglades District and the Port Everglades Authority.

Section 14. This act shall take effect only upon approval by a majority vote of the electors of Broward County voting in a referendum to be called and held by the Board of County Commissioners of Broward County . . . on the second Tuesday in March 1992 . . .

At the referendum, Broward County residents voted in favor of dissolving the District and Authority.

Currently, Broward County provides fire protection services to the Port, through the Port Everglades Firefighting Unit. To date, the Port Everglades Firefighting Unit has been an operational part of Broward County for the past five years.

In September, 1999, the County Administrator authorized an interdepartmental organizational change within two existing County departments. The result was the merger of the firefighting functions of the Port Everglades Department, Public Safety Division into the Department of Safety and Emergency Service's Fire Rescue Division.

Twenty members of the Board of Directors of the Port Everglades Association, Inc., signed a petition opposing the City of Hollywood's takeover of the Port Everglades Fire Department.

The Port boundaries include parts of the cities of Hollywood, Fort Lauderdale, and Dania.

At the Local Legislative Delegation meeting held on February 1, 2000, members voted 11-4 in favor of this bill.

C. EFFECT OF PROPOSED CHANGES:

The duty to provide Port fire protection services, currently provided by Broward County through the Port Fire Fighting Unit, is transferred, in its entirety, to the City of Hollywood.

All Broward County employees supplying fire protection services remain employed by the City of Hollywood. Likewise, all existing contracts remain in effect.

Broward County will continue to supply Emergency Medical Services to the Port.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Provides for a transfer from Broward County (as contained in the County Charter) to the City of Hollywood, Florida of all powers, duties, responsibilities, obligations and functions for fire protection in the Port Jurisdictional Area (originally Port Everglades Authority, Chapter 89-427, L.O.F.); provides for an effective date of November 22, 2000.

Section 2 -- Requires Broward County Charter government (County) to produce all books, records, funds and moneys, relating to fire protection functions to the City of Hollywood (City) before effective date.

Section 3 -- Assigns all liability for fire protection services to Hollywood and transfers assets, such as real, personal and intangible properties relating to fire protection from the County to the City on effective date.

Section 4 -- Honors existing contracts, including collective bargaining; provides that where there is no collective bargaining agreement on the day of transfer, the City shall honor all

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prior provisions of the agreement which had expired immediately before the transfer until a new agreement is enacted, pursuant to chapter 447, F.S., which addresses labor unions.

Section 5 -- Provides that all employees performing fire protection duties as of September 6, 1999 shall become employees of the City.

Section 6 -- Endows the City with extra-territorial power to perform all fire protection functions within the Port Jurisdictional Area (Port), to include the ability to enter into interlocal, shared services, and automatic response agreements with surrounding municipalities for fire services in the Port.

Section 7 -- Expressly provides that the County shall continue to provide Emergency Medical Services within the Port.

Section 8 -- Describes fire protection transfer language, to appear on a ballot November 7, 2000, the day of the general election.

Section 9 -- Provides that this act shall take effect contingent upon a Broward County majority vote; precludes the use of mail-in ballots.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 26, 2000

WHERE? The Sun-Sentinel

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The Economic Impact Statement indicates the following estimated expenditures:

Fiscal Year 00-01 -- \$3,321,716

Fiscal Year 01-02 -- \$3,487,802

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Due to budget cutbacks in recent years, maintenance items need to be updated. This increase also reflects a five percent salary increase. Budget projections show these items as an overall five percent increase. This budget increase is needed irrespective of the transfer to the City of Hollywood. Therefore, this bill does not contain a fiscal impact.

A representative with Broward County states that they oppose this bill for the following reasons:

They feel that this is a local issue that has already been decided through the 1992 vote to dissolve the Authority and transfer Port Everglades operations to the Broward County Government. This will interfere with local government's jurisdiction and home rule authority, pursuant to its charter.

Broward County Fire Rescue is the largest and best resourced fire rescue organization in the county, and contains within its ranks specialized units such as the Airport, Hazmat, TRT and Air Rescue.

The real issue behind the proposed legislation is an attempt by the Port Everglades Firefighting Unit labor unions to gain leverage for contract renewal negotiations, which are quickly approaching. The labor union is attempting to protect existing terms such as the one day on and three days off work schedule, where one day on and two days off is standard operating procedure.

A memorandum dated April 10, 2000, drafted by the Director of the Broward County Office of Budget Services to the Director of the Broward County Office of Public and Governmental Relations states the following regarding fiscal impact:

HB 1699 has a significant negative impact on Broward County. If approved by the voters, the bill requires the transfer of all assets used in the fire protection function to the City of Hollywood. The Fire/Rescue Division values these assets at \$10 million for the building and land and \$5 million for the equipment. The bill does not provide for any compensation to the County for these costs in the event that the voters approve the transfer.

HB 1699 does not include any restrictions on how much the City may charge the County for fire protection at the Port. The City would have a "blank check" in terms of how much they spend on the service. The County would have no recourse on this issue.

A representative from the Port Everglades Fire Fighters expresses the following in support of this bill:

In 1993, the Broward County Commissioners committed that they would maintain the Port Fire Department as a stand-alone fire delivery service because of their specialized, dissimilar and unique fire fighting service. On September 6, 1999, the Broward County Administrator dissolved the Department, removed its experienced fire chief, and merged its fire fighters into the Broward County Fire-Rescue System.

The Port budget has been cut by nearly one million dollars over the last four years.

Over eighty percent of the Port's jurisdiction area lies within the City of Hollywood.

The Port Fire Fighters are a specialized fire fighting unit with years of specialized training and experience in the mitigation of ship fires and petroleum emergencies. They are trained to deal with environmentally sensitive pollution control.

The Director of the Port Everglades Cleanup Committee represents the eleven oil companies, as well as Florida Power and Light, which are all located in the jurisdiction of the Port. The Director expresses opposition to this bill. Over half of the oil companies are not located in the City of Hollywood. Oil companies have paid a substantial portion of the special tariff for fire companies for many years. In Fiscal Year 1999 alone, oil companies paid \$2.1 million of the \$3.5 million in fire services taxes. They do not want to pay taxes to the City of Hollywood. The oil companies are also concerned about safety. If this legislation passes, the nearest fire station is over fifteen minutes away.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Sponsor proposes an amendment which identifies and provides a funding source for the City of Hollywood and authorizes the City of Hollywood to adopt necessary regulations to provide fire protection services.

It does not appear that this amendment is outside the scope of the notice.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Cindy M. Brown, J.D.

Joan Highsmith-Smith