

## Chapter 8 EMERGENCY SERVICES\*

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\*State law references: Emergency management, F.S. ch. 252.

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### Sec. 8-1. Local emergencies.

(a) *Territory embraced.* This section applies to all territory within the legal boundaries of the county, including all incorporated and unincorporated areas.

(b) *Declaration of local emergency.* In the event of any natural or manmade disaster, flooding, fire, wind, tornado, hurricane, train, plane or other accident of major proportions, which may constitute a state of local emergency, the board of county commissioners, in emergency special session, shall have authority to make a declaration that there exists a state of local emergency and to proscribe reasonable rules and regulations concerning such emergency, including, but not limited to, evacuating affected areas, prohibiting vehicular traffic on affected streets and highways, or boat traffic on the lakes, rivers, and streams, and such other rules and regulations as may be deemed in the best interests of the citizens and residents of the county. With regard to flooding on the Withlacoochee River or any other body of water in the county, the sheriff shall be automatically authorized to declare all or any portion of such river or body of water as an evacuation zone once the Southwest Florida Water Management District has declared a state of flooding exists as to that body of water. The board of county commissioners shall have the authority to override any such declaration by the sheriff at any regular or special meeting of the board of county commissioners.

(c) *Preemption.* The sheriff shall have the sole and exclusive authority to regulate the ingress and egress of persons and vehicles in those zones which are required to be evacuated in a declaration of a state of local emergency, and to designate the terms and conditions of reentry into said areas upon official declaration that the evacuated zones are safe and secure for reentry. In the exercise of such authority, the sheriff shall consult with the county emergency operations center and all affected local governments.

(d) *Prohibition.* Local governments and governmental agencies including but not limited to law enforcement agencies, governing boards or councils or their representatives are prohibited from issuing written or verbal orders or directives contrary to the orders or directives of the sheriff. The sheriff is authorized to delegate to any local law enforcement agency the authorities herein granted relative to their respective jurisdictions upon his determination that such delegation of authority is necessary and proper.

(e) *Penalties.* Any person who refuses to comply with or violates any portion of this section shall be punished according to law and, upon conviction for such offense, shall be punished as provided in section 1-6.

(Ord. No. 87-6, §§ 1-5, 9-22-87)

### Sec. 8-2. Emergency "911" telephone system.

- (a) The establishment of an emergency "911" telephone system in Sumter County, Florida, is declared to be a public purpose and for the benefit of the citizens, residents and visitors of Sumter County, and said "911" system be and is hereby established.
- (b) There is hereby imposed a local option fee for nonrecurring charges for the initial provision of "911" service and equipment in the amount of fifty cents (\$0.50) per month per access line, (up to a maximum of twenty-five (25) access lines per account bill rendered), to be paid by the local exchange subscribers in Sumter County, Florida, for a period of thirty-six (36) consecutive months, beginning on November 10, 1990, and thereafter for recurring charges for operation and maintenance of said "911" system for so long as said system is in operation.
- (c) United Telephone Company and any other telephone company providing telephone services to Sumter County (hereinafter called the telephone companies) are hereby requested to collect said fee, as hereinabove set forth, from its subscribers in Sumter County, Florida, and to submit to Sumter County all such fees collected less the administrative fee of one (1) percent as allowed by statute. The telephone companies shall supply monthly to Sumter County a statement as to fees collected. The telephone companies shall have no obligation to take legal action to enforce collection of said fee.
- (d) Sumter County shall indemnify the telephone companies against liability in accordance with the telephone companies' lawfully filed tariffs.
- (e) Sumter County shall remain responsible to the telephone companies for all "911" service and equipment charges.

(Ord. No. 90-8, § 5, 7-31-90)

**Editor's note:** Ord. No. 90-8, §§ 1-5, adopted July 31, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as § 8-2.

**Cross references:** Boats on Withlacoochee and Little Withlacoochee Rivers during floods, § 5-1.

**State law references:** Emergency powers of political subdivisions, F.S. § 252.38; emergencies resulting from riots, etc., F.S. § 870.041 et seq.

### **Sec. 8-3. Fire rescue department.**

- (a) *Creation:* There is hereby established the Sumter County Fire Rescue Department (department). The department shall be the sole provider of fire suppression, fire prevention, extrication, rescue and emergency response to incidents including man-made or natural disasters that are not primarily law enforcement or emergency medical in nature in the geographical limits of the county, with the exception of that portion of the county served by the villages department of public safety.
- (b) *Jurisdiction:* The geographical area of jurisdiction for the county fire rescue department shall be the entire geographical area of the county except that portion served by the villages department of public safety, but shall include any other area subject to any inter agency or inter local agreement, contract, automatic or mutual aid pact that the county fire rescue department enters into with other agencies or governmental jurisdictions upon approval of the board of county commissioners.
- (c) *Fire director:* There is hereby established the office of fire rescue director (director) to oversee, direct and administer the operation of the county fire rescue department. The director shall serve as the county wide fire chief, the highest-ranking officer and chief executive of the county fire rescue department. The director shall report and answer to the county administrator. The director shall oversee the operation of the county fire

rescue department and work closely with the authorities having jurisdiction over law enforcement, water supply, public works, emergency management, planning/development and emergency medical services among other services to provide for protection of the public interest in those instances that involve those other jurisdictions and departments. The director shall work closely with all state and federal agencies in protection of the public interest in those instances and disasters which involve said state and federal agencies, including but not limited to the office of the state fire marshal, the division of forestry, the department of emergency management, the Federal Emergency Management Agency, the United States Fire Administration, the Office of Homeland Security, and other agencies as required. The director shall have the authority implement procedures and to establish an organizational structure including the delegation of rank and authority to carry out the mission of the county fire rescue department. All subordinate positions of rank within the county fire rescue system will follow the organized structure chain of command and authority.

(d) **Advisory board:** There is hereby created a county fire rescue advisory board (advisory board), the purpose of which is to provide input for the public interest to the director and board of county commissioners concerning issues related to fire prevention and protection and the consolidated fire rescue service. Each city, department, and community development district becoming a part of the consolidated county fire rescue service will be entitled to one (1) voting position on the advisory board. Each city, department, and community development district will select its voting member and alternate to the advisory board through its own means, policy or procedures. The board of county commissioners will appoint one (1) voting member and alternate to the advisory board, who shall not be the director. The maximum number of members on the advisory board will be twelve (12) members and twelve (12) alternates. A quorum shall consist of seven (7) members. A simple majority of the voting members present at any meeting will be required for action or recommendation to pass. The advisory board is subject to all rules, regulations and statutes applying to advisory boards in the county, including open meeting requirements and public records. The advisory board will meet a minimum of six (6) times annually, on a bi-monthly schedule, in January, March, May, July, September and November. The advisory board may schedule additional meetings, as it deems necessary with due public notice. The advisory board will select its own chair and vice-chair. Any member or alternate of the advisory board or the director may request items to be placed on the agenda. The director shall not be a voting member of the advisory board. Action and recommendations of the advisory board will be forwarded to the board of county commissioners. The advisory board shall not have authority to enter into inter-local agreements, contracts or other binding legal documents on behalf of county fire rescue.

(Ord. No. 2002-22, §§ 1--4, 8-27-02)

**Editor's note:** Ord. No. 2002-22, §§ 1--4, adopted Aug. 27, 2002, did not specifically amend the Code. Hence, its inclusion herein as section 8-3 was at the discretion of the editor.

### Sec. 8-3. *Fire rescue department.*

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(b) *Jurisdiction:* The geographical area of jurisdiction for the county *fire rescue* department shall be the entire geographical area of the county except that portion served by the villages department of public safety, but shall include any other area subject to any inter agency or inter local agreement, contract, automatic or mutual aid pact that the county *fire rescue* department enters into with other agencies or governmental jurisdictions upon approval of the board of county commissioners.

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