

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING CH. 93, FIRE PREVENTION OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY CREATING, SECTION 93.05, 911 CALLS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St Lucie, Florida (“City”) desires to update Chapter 93, Fire Prevention of the Port St Lucie Code of Ordinances (“Code”) to reduce the number of false requests for emergency assistance or similar misuse of the 911 central communications system that occur within the City and result in a waste of public resources.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Title IX, General Regulations, Chapter 93, Fire Prevention of the Code is amended as follows:

Sec. 93.05. – 911 Calls.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: In those cases, wherein a word or words are not defined, its definition shall be as found in Black's Law Dictionary, latest edition, or in American Heritage College Dictionary, third edition.

Person includes any natural person, partnership, sole proprietorship, limited liability company or corporation.

“Misuse of the 911 system” is a request for emergency response by calling or sending a text message to 911 when no actual emergency or potential emergency exists and when the caller or message sender does not have a good faith basis to request emergency assistance. This definition includes hang up or no voice calls to 911 resulting from telephone systems, which require a dial out number.

(b) Classifying alarms; fees charged

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(1) For each response by any emergency unit of the Fire District or any law enforcement agency to an alarm the responding agency will file a report, classifying the 911 call as one of the following:

- a. False 911 call, no emergency exists.
- c. Valid 911 call for cause designated.

(2) There shall be a fine charged for false 911 calls according to the following schedule during a rolling twelve-month period:

<u>Calls Within 12 Months</u>	<u>Fire/Rescue</u>	<u>Law Enforcement</u>
<u>First - Third</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>Fourth</u>	<u>\$100.00</u>	<u>\$100.00</u>
<u>Fifth</u>	<u>\$200.00</u>	<u>\$200.00</u>
<u>Sixth & Subsequent</u>	<u>\$300.00</u>	<u>\$300.00</u>

(c) Appeals process. A person may appeal assessment of the fine(s) to the City's designated 911 Call Administrator by filing a written request for review setting forth the reasons for the appeal within fourteen (14) calendar days of the date of the notice of the assessed fine(s). The failure to file a request for an appeal within this time period shall constitute a waiver of the right to contest the assessment of the fine(s). The City's Special Magistrate shall serve as the Hearing Officer for all appeal hearings under this section pursuant to Chapter 37 of the Port St. Lucie, Florida Code of Ordinances. The filing of a request for an appeal shall stay the assessment of the fine(s) until the Special Magistrate renders a final decision. Upon receipt of a timely written request for an appeal, a hearing will be scheduled before the Special Magistrate. Notice of the hearing will be sent to the person after receipt of the request for appeal. The Special Magistrate shall conduct a hearing and consider the evidence presented pursuant to Chapter 162, Florida Statutes. At the conclusion of the hearing, the Special Magistrate shall issue findings of fact, based upon the evidence presented, and conclusions of law, and shall issue a written order. The Special Magistrate's decision is subject to review in the circuit court by proceedings in the nature of certiorari.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Additions to text are indicated by underline. ~~Strikethrough~~ indicates deletion.

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Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2022.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney