

oppaga Special Report



December 2001

Report No. 01-67

Fire Department Coordination Beneficial; Merger Guidelines Would Be Helpful

at a glance

Cooperation among fire departments has emerged as an effective way to deal with an environment of increasing needs, rising costs, and decentralized service delivery. Such cooperation, whether through coordinating functions or formal merger of organizations, can improve service levels, often at a reduced cost to taxpayers.

However, there are challenges in determining the most appropriate forms and levels of cooperation in Florida. As illustrated by the breakdown of the cooperative relationship between the Cedar Hammock and Southern Manatee fire districts, the inability to deal with these challenges can have negative effects on local communities.

To facilitate successful fire department cooperation, guidelines should be developed to help local communities plan for and implement cooperative agreements and mergers. The Department of Community Affairs and the State Fire Marshal should establish a task force of relevant stakeholders to develop these guidelines.

Purpose _____

The Joint Legislative Auditing Committee directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a limited policy review of the failed merger of two of Florida's independent special fire control districts, the Cedar Hammock Fire Control District and the Southern Manatee Fire and Rescue District.¹ The Legislature became concerned when the two Manatee County districts terminated their longstanding cooperative agreement while the 2001 Legislature was considering a bill that would have merged the two districts. The termination occurred after more than five years of improved service and cost savings, and was apparently related to disagreements between the districts' governing boards.

¹ Florida's 669 independent special districts are special purpose local government units that are established by the Legislature, have the authority to levy taxes, and are governed by elected boards of commissioners. They provide a variety of services including fire control, health care, and water supply.

This report

- describes Florida's decentralized fire protection system and the trend towards cooperation between the multiple entities that provide services;
- describes the events that led to the breakdown of the relationship between the Cedar Hammock and Southern Manatee fire districts and the local effects of the failed merger; and
- examines the policy implications of fire department cooperation in the state of Florida.

Background

The provision of fire protection services to Florida's citizens is highly decentralized, with communities receiving services through a variety of mechanisms.² City and county governments may provide services to all or part of their jurisdictions; volunteer fire departments can provide services in many rural areas; and special purpose local governments, known as special fire districts, may provide services in primarily rural and unincorporated areas where other units of local government cannot or do not want to provide fire protection. These providers are governed and funded in a variety of ways (see Exhibit 1).³

At one time, Florida's system of multiple, independent fire departments was necessary to ensure services to citizens living in rural areas.⁴ For example, most volunteer departments and independent special fire control districts were created in rural areas that were not served by cities with established fire protection systems. However, as growth has led to more built-in areas of counties, fire departments now often provide services within close proximity of each other.⁵

The role of fire service providers has also changed. They increasingly partner with county government, serving as first responders for medical and other emergency calls and using county maintained centralized dispatch systems.

The changing role of fire departments, coupled with growth, rising costs for public services, and consumer demand for increased services, has strained the decentralized system and has led fire service providers to increase their cooperative efforts. These efforts include the use of cooperative models such as mutual aid agreements, merger, and consolidation (see Exhibit 2).

² Fire service providers typically provide fire suppression and prevention services, as well as rescue and emergency medical services.

³ While fire protection is a local government responsibility, the state Division of Forestry and the Division of State Fire Marshal provide support services to fire departments throughout the state. The Division of Forestry assists counties in fighting wild land fires, while the Division of State Fire Marshal provides arson investigations and fire prevention services to local jurisdictions upon request.

⁴ The way Florida's fire service delivery system evolved is not unique. The use of numerous, independent fire departments to serve one county is common in many states, and volunteer fire departments are still prolific in rural areas.

⁵ In addition, it is not uncommon for residents of the same metropolitan area to pay different amounts for fire services, as the individual providers set rates.

Exhibit 1
Florida's Multiple Fire Departments Provide Similar Services,
But Are Governed and Funded in Different Ways¹

Type of Provider	Number of Providers	Governing Body	Funds
Local Government			
Cities and counties	263	City or county commissions govern their fire departments; some commissions appoint fire service advisory bodies. Fifty-six counties have fire departments that are operated by city or county governments.	City or county budgets may include special fire fees, assessments, taxes collected from residents of the city or county, or may be from general funds.
Special Districts			
Independent	55	Independent special districts are created by the Legislature, and governed by elected boards of commissioners. The 55 independent special fire districts are located in 10 counties.	Independent special fire district budgets may include fees, assessments, and taxes collected from residents of the district. Some districts have the authority to issue bonds.
Dependent	12	Dependent special districts are governed by the local general purpose government that created them, i.e., a city or county commission. The 12 dependent special fire districts are located in 8 counties.	Dependent special fire district budgets may be included in the general budget of the city or county, or may be a separate budget that must be approved by the city or county. Some districts have the authority to issue bonds.
Other			
Volunteer fire departments	282	Not-for-profit volunteer organizations are governed by boards of directors. The 282 volunteer fire departments are located in 51 counties.	Fundraising, donations, grants, and contracts with local general purpose governments
Miscellaneous ²	27	Governance varies, depending on the type of entity that created the fire protection system. The 27 fire departments that are operated by airports, port authorities, etc. are located in 18 counties.	Varies, depending on revenue sources for the entity that established the fire protection system

¹ Florida's fire departments provide fire suppression and prevention services, including responding to structural and automobile fires, conducting fire inspections, reviewing building plans, and implementing community education campaigns. Departments also perform rescue operations and provide emergency medical services.

² Airports, port authorities, and other entities sometimes establish fire protection systems.

Source: OPPAGA compilation of information from the Florida Department of Community Affairs; Florida Division of State Fire Marshal; Florida Division of Forestry; and interviews with representatives of state and local fire service providers.

Exhibit 2

Fire Departments Use Many Cooperative Models

Types of Cooperative Agreements

Mutual Aid Agreements - Interlocal agreements between two or more fire departments, that allow participants to request assistance from neighboring departments

Automatic Aid Agreements - Interlocal agreements between two or more fire departments whereby participants automatically provide and/or receive assistance from the closest available department

Functional Consolidation - Two or more departments maintain separate operations, but cooperate (via interlocal agreements) in functional areas such as standard operating procedures, joint purchasing, and joint training.

Merger - Combining two or more departments into one new legal entity

Consolidation of Fire Services - Consolidating all fire departments within a county; the result would be either one self-governed independent special district or one county- governed department or dependent special district.

Consolidation of Fire and Emergency Medical Services - Consolidating all fire departments and emergency medical service providers within a county; the result would be one county-governed department.

Consolidation of Fire and Police Services – Consolidating all fire and police departments within a county; the result would be one county-governed public safety department.

Source: Fire services literature; interviews with stakeholders.

These cooperative models can benefit both fire departments and the citizens they protect by improving levels of service and reducing costs.⁶ Benefits are realized when departments spread their combined labor pools and fixed costs over larger service areas; purchase equipment and apparatus in bulk; and even defer costs for new equipment and facilities. For example, cooperation can alleviate the need to build a new station in an area of growth if another

department already has a station situated in close proximity to the area.⁷

However, there are also challenges associated with cooperation. For example, departments wishing to cooperate need to contend with varying revenue sources, personnel policies, and governing bodies. In addition, departments may resist cooperation due to fear of losing identity and the ability to independently determine the scope and level of services.

Findings

The five-year relationship between the Cedar Hammock and Southern Manatee fire control districts illustrates both how cooperation among fire protection units can benefit the public and how Florida's communities can be affected when units of local government have difficulty managing the challenges of cooperation. Statewide guidelines would help local fire protection units achieve the benefits of cooperation and manage the challenges of achieving and maintaining cooperation.

Cooperation between Cedar Hammock and Southern Manatee improved service and saved money, but conflict over decision making ended their relationship

Manatee County's fire protection system reflects state and national trends; the county's system is decentralized and departments are increasing their cooperative efforts to improve services. Citizens receive services through 13 individual fire departments that are operated by entities such as municipalities, special districts, and volunteer organizations. (See Appendix A for map.)

⁶ To determine the benefits and challenges of cooperation, we reviewed the fire services literature, and spoke with local and state representatives of Florida's fire services community.

⁷ With growth and development near jurisdictional boundaries, stations of two fire departments can be located as close as within two blocks of each other. It is also not uncommon for a station of one department to be the closest responder for an incident in another jurisdiction.

Fire departments in Manatee County have taken some steps to coordinate their services to ensure that citizens receive a timely response to requests for assistance. The county has an association of fire chiefs that meets to discuss ways to coordinate services, and several of the departments have entered into mutual aid and similar agreements to coordinate emergency responses. Further, several independent fire districts have merged over the past 15 years to consolidate their operations on a regional level.⁸

The Cedar Hammock and Southern Manatee independent special fire control districts had worked to continue this trend. The two districts were poised to merge and become a single, special purpose local government unit in Manatee County. The merger required legislative support, and was to take effect upon approval by the 2001 Florida Legislature.

The two geographically contiguous districts had operated with a high level of cooperation from 1995 to early 2001 and were essentially administered as one entity. They shared a fire chief and administrative structure, and fire and emergency personnel were deployed within a single, combined jurisdiction. During the five-year period of cooperation under an interlocal agreement, the quality of fire protection services improved in each district. The insurance ratings of both districts improved, and

according to board members, cost savings associated with sharing administrative expenses totaled approximately \$1.8 million over this period.⁹

However, in early 2001, the Cedar Hammock Board of Commissioners began making unilateral decisions that had financial implications for a merged district. These actions also disrupted some of the equalization of salaries and benefits that had been achieved in anticipation of merging the two districts. For example, in January 2001, the Cedar Hammock Fire Commission fired the longtime chief who had served both districts, doing so without the formal approval of the Southern Manatee Board of Commissioners.¹⁰ The former chief has filed a breach of contract suit against Cedar Hammock, and the newly formed district would have assumed any liabilities related to settling the case. Cedar Hammock also promoted and gave salary increases to several staff without consulting Southern Manatee.

The Southern Manatee Board of Commissioners questioned the legitimacy of these actions and expressed concern that with a merger taxpayers residing in their jurisdiction would be financially responsible for the decisions. Consequently, the district withdrew its support for the planned merger. The long-standing interlocal agreement between the two districts was also dissolved. Because of this conflict,

⁸ The Palmetto and Ellington departments merged in 1988; Samoset and Oneco-Tallavast merged in 1991; and the West Side and Anna Maria departments merged in 2000.

⁹ Insurance Services Office (ISO) ratings are used as benchmarks for measuring the effectiveness of fire protection services, and help insurance companies establish premiums for fire insurance. ISO assigns ratings from 1 to 10; 1 represents the best public protection, and 10 indicates no recognized protection. During the period of cooperation, Cedar Hammock's rating improved from 5 to 3, and Southern Manatee's improved from 5 to 4. ISO's ratings of the quality of fire protection in a community are based, in part, on an evaluation of the effectiveness of cooperative agreements.

¹⁰ Although the fire chief served both districts through an interlocal agreement, since the districts are two separate legal entities the employment contract was with one district, Cedar Hammock.

Special Report

members of the local legislative delegation withdrew their support for the proposed merger legislation, and it did not become law.

The dissolution of the interlocal agreement resulted in increased costs and could have implications for the delivery of fire protection services. The two districts are now incurring costs associated with establishing two separate administrative infrastructures, when one structure formerly served both districts. For example, now, instead of sharing a fire chief, deputy and battalion chiefs, deputy fire marshal, inspector, and training director, each district has separate staff filling those roles.

Cedar Hammock estimates an increase of \$237,387 in annual costs related to the dissolution of the interlocal agreement, while Southern Manatee reports that it redirected funds within its budget to cover new expenses; it plans to cover new personnel expenses with funds that were formerly paid to Cedar Hammock to cover joint administrative expenses. Each district also reported it has incurred additional costs to replace vehicles and equipment; Cedar Hammock has spent \$81,285 and Southern Manatee \$50,835.

In addition to cost implications, the quality of fire protection services in the two districts could be affected. Although the districts state there has been no change in the quality of services provided, service levels and efficiency could decline. For example, fire departments that share resources have greater flexibility in meeting their staffing needs; they have access to combined labor pools to cope with firefighter absences and to staff vehicles. The consequences of the breakdown of cooperation may become increasingly evident as the districts attempt to implement a federal firefighter safety

standard, which calls for higher levels of staffing.¹¹

Any change in the quality of fire protection services being provided could result in higher insurance premiums for homeowners and businesses. In 2002, the Insurance Services Office ratings of the two districts will likely be reviewed, which could result in lowered insurance ratings for the two areas.¹² Restoring services to former levels could require an infusion of revenue and an increase in tax assessments.

The breakdown of the cooperative relationship between the two districts has also affected Manatee County government, which had to reconfigure its emergency dispatch system when the two districts ceased operating as a combined jurisdiction.

A merger of the Cedar Hammock and Southern Manatee fire control districts made good sense, as it would have enabled the districts to continue their pattern of providing increased levels of service at a reduced cost. However, since there is currently little local support for a merger of the two districts, joining the districts may no longer be feasible.

Nevertheless, representatives of both the Cedar Hammock and Southern Manatee fire control districts told us that they remain committed to the concept of cooperation.

¹¹ In April 2002, Florida plans to adopt the Occupational Safety and Health Administration standard, which requires that at least two firefighters enter a structural fire scene, while at least two firefighters remain outside the structure. The Florida version of the standard commonly known as "two-in, two-out," exempts fire departments that can demonstrate a financial inability to meet this standard for worker safety.

¹² The Insurance Service Office does not have set intervals for re-evaluating communities' firefighting capabilities, although most communities are re-evaluated every five years. In 2002, it will have been five years since the last evaluation of both the Cedar Hammock and Southern Manatee districts.

Each reports cooperative endeavors with other fire departments in Manatee County, and both districts continue to participate in countywide discussions about consolidating operations to improve services and reduce costs.

Statewide guidance may help fire departments realize the benefits of cooperation

Cedar Hammock and Southern Manatee are not unique; fire departments across the state struggle with issues related to cooperation. Yet there are few guidelines for departments and communities wishing to establish cooperative relationships. Better guidelines could help departments achieve and maintain the many benefits of cooperation.

Currently, the state provides limited guidance to fire departments seeking to strengthen their local fire protection planning, coordination, and cooperation. Chapter 191, *Florida Statutes*, which governs the special fire districts, suggests but does not require that the fire chiefs of each county “organize and meet as a county fire chiefs’ association to coordinate the planning and activities of all entities that provide fire protection and suppression services.”

Also, Ch. 189, *Florida Statutes*, provides a mechanism for local governments to evaluate the continuing need for special districts.¹³ Under this mechanism, a county

government could review the special fire districts within its boundaries and recommend that the Legislature dissolve or merge the districts. However, according to the Department of Community Affairs, no county has ever conducted such a review. This could be because independent special districts have no formal relationship with other units of local government, and counties have limited authority related to them.¹⁴

Several statutes provide some guidance to fire departments interested in merging. These statutes address what bodies must approve mergers of special fire districts and how those new districts will assume debt.¹⁵ However, no law or administrative rule requires fire departments to evaluate the feasibility of mergers, develop merger plans, or implement pre-merger agreements.

Given the central role of fire departments in protecting Florida’s citizens and the rising costs of the services they provide, it would be beneficial for the state to encourage coordinated approaches to addressing local fire protection needs. To establish such guidelines, the Department of Community Affairs and the Division of State Fire Marshal should convene a task force composed of representatives of local government (including special fire districts), the fire services community, state agencies responsible for public safety issues, insurance companies, and private citizens.¹⁶

¹³ Chapter 189.428, *F.S.*, establishes an oversight review process that allows local governments to evaluate special districts on (1) the degree to which the service or services offered by the special district are essential or contribute to the well-being of the community; (2) the extent of continuing need for the service or services currently provided by the special district; and (3) whether there is a less costly alternative method of delivering the service or services that would adequately provide the district residents with the services provided by the district.

¹⁴ While most of the state’s special districts are independent, some are classified as “dependent,” which means they are created and controlled by county or municipal government.

¹⁵ Chapters 191.014, 189.4042, and 189.4045, *F.S.*

¹⁶ The Department of Community Affairs should be involved in convening the task force given its role in local government planning and maintaining information about special districts. The Division of State Fire Marshal should be involved due to its role in setting standards for fire prevention and fire fighter training, certification, and safety.

The task force should consider the issues below.

- Establish guidelines for considering mergers of fire departments, taking into account adequacy of service coverage, service duplication, and costs.
- Establish guidelines for implementing cooperative agreements and mergers, including transition and governance plans. These should include consideration of issues such as how administrative structures should be consolidated, how varying staff qualification requirements and pay levels can be standardized, and how governing boards should work together until a merger is finalized.
- Consider the need for county fire protection plans, which could be established by incorporating fire protection into the local comprehensive planning process.

Conclusions and Recommendations —

Cooperation among local fire departments has emerged as a way to deal with an environment of increasing needs, rising costs, and decentralized service delivery. Such cooperation, whether through coordination of departments' functions or formal merger of organizations, has been shown to improve levels of service, often at a reduced cost to taxpayers.

However, there are challenges related to determining the most appropriate forms and levels of cooperation. As described in the fire services literature and illustrated by the breakdown of the cooperative relationship between the Cedar Hammock and Southern Manatee fire districts, the inability to deal with the challenges of cooperation can have potentially negative effects on local communities.

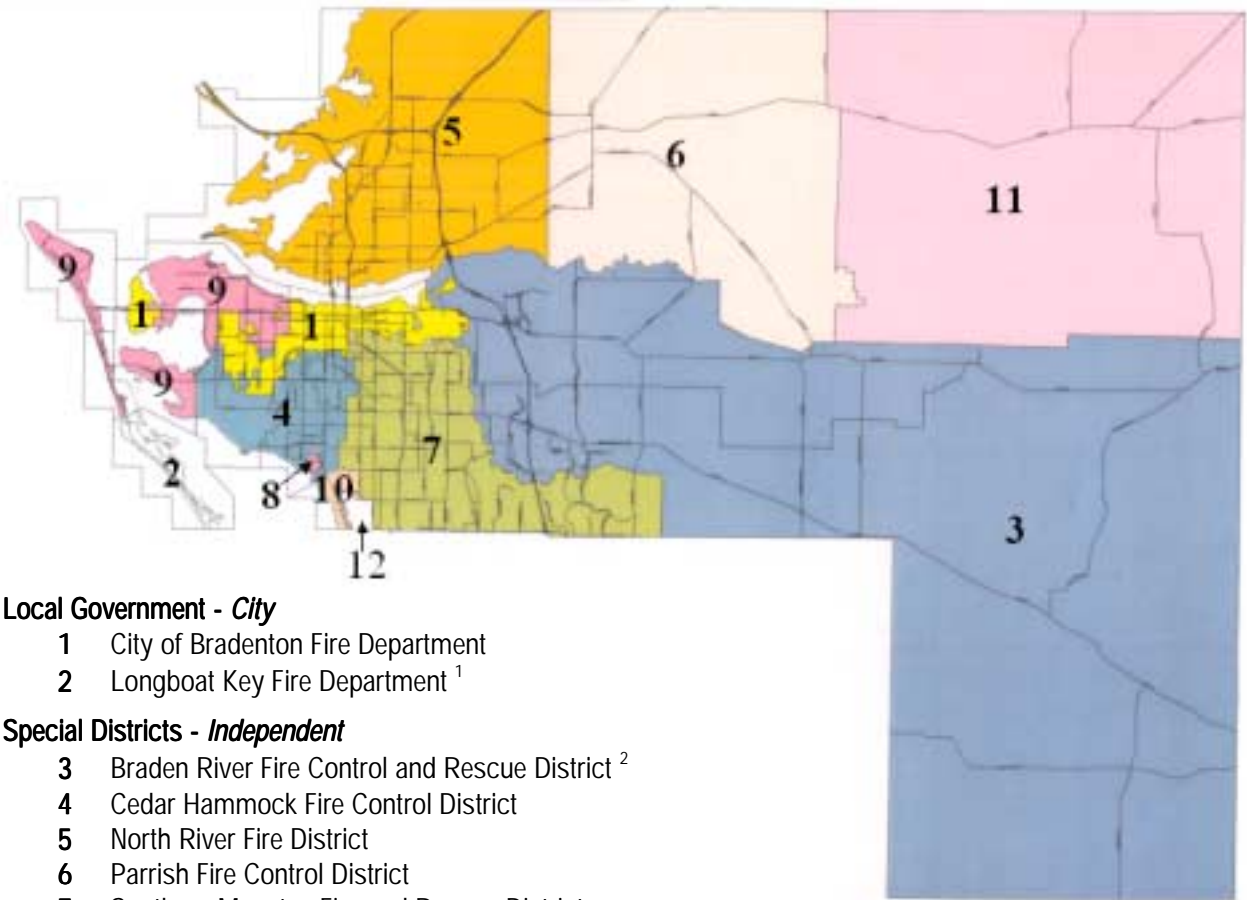
Given the importance of fire departments as first responders to fire, rescue, and medical emergencies, coupled with the benefits and challenges of cooperation, it is appropriate for the state to establish a mechanism to provide guidance to local communities to assist them in planning and in determining optimal approaches to achieving and maintaining cooperation. We recommend that the Department of Community Affairs and the Division of State Fire Marshal establish a task force of relevant stakeholders to develop guidelines for local communities and fire departments seeking to improve cooperation and performance, and report its findings to the Legislature by January 1, 2003.

Agency Response —

In accordance with the provisions of s. 11.45(7), *Florida Statutes*, a draft of our report was submitted to the Fire Chiefs of Cedar Hammock Fire Control District and Southern Manatee Fire and Rescue District for each to review and respond. The written response from each of these districts is reproduced herein on pages 10 and 11. See pages 12 and 13 for the response from the Department of Community Affairs.

Appendix A

Manatee County Fire Districts



Local Government - *City*

- 1 City of Bradenton Fire Department
- 2 Longboat Key Fire Department ¹

Special Districts - *Independent*

- 3 Braden River Fire Control and Rescue District ²
- 4 Cedar Hammock Fire Control District
- 5 North River Fire District
- 6 Parrish Fire Control District
- 7 Southern Manatee Fire and Rescue District
- 8 Trailer Estates Fire Control District
- 9 West Manatee Fire and Rescue District
- 10 Whitfield Fire Control District

Special Districts – *Dependent*

- 3 Myakka Fire Control District ³

Other

- 11 Duette Volunteer Fire Rescue
- 12 Sarasota Manatee Airport Authority Fire and Rescue Department ⁴

¹ Part of Longboat Key is in Sarasota County, and part is in Manatee County. The Longboat Key Fire Department serves citizens of both of these counties.

² The Braden River and Myakka fire departments operate with a high level of cooperation and sometimes do business as a single entity named the East Manatee Fire District.

³ Ibid

⁴ The airport sits on the Sarasota-Manatee County line.

Source: Map provided by the Manatee County Public Safety Department.

Appendix B



CEDAR HAMMOCK FIRE RESCUE

5200 26th Street West, Bradenton, Florida 34207-2299

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December 19, 2001

FIRE CHIEF

Randall R. Stulce



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Mr. John W. Turcotte, Director
Office of Program Policy Analysis and
Government Accountability
111 West Madison Street, Room 312
Claude Pepper Building
Tallahassee, FL 32399-1475

Dear Mr. Turcotte:

The Cedar Hammock Fire Control District is appreciative of the hard work and thoroughness of your report on Fire Department Cooperation. Special thanks to Susan Munley and Kara Collins-Gomez for their professionalism and courtesy during this review.

If you need any further information, please feel free to contact me.

Sincerely yours,

/s/

Randall R. Stulce, Fire Chief
Cedar Hammock Fire Rescue

SOUTHERN MANATEE

1640 60th Avenue Drive East
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FIRE & RESCUE DISTRICT

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December 18, 2001

Mr. John W. Turcotte, Director
OFFICE OF PROGRAM POLICY ANALYSIS AND
GOVERNMENT ACCOUNTABILITY
111 West Madison Street, Room 312
Claude Pepper Building
Tallahassee, Florida 32399-1475

Dear Mr. Turcotte:

We are in receipt of your report draft analyzing the proposed merger of the Southern Manatee and Cedar Hammock Fire Districts.

We appreciate the opportunity to provide input into the Analysis Report.

Fire District mergers have historically been a challenging task. The integration of district policies, salaries, insurance and retirement benefits is a monumental challenge with little or no guidelines in place to provide assistance.

Your analysis of our merger situation was a fair and objective review of the merger efforts.

We agree with your overall findings and future recommendations as outlined.

Again, thank you for your efforts regarding this report.

Sincerely,

SOUTHERN MANATEE FIRE & RESCUE DISTRICT

/s/
Thomas F. Hennessy
Fire Chief

TFH:jan
C: Robert A. Kulchar, Jr, Chairman
Board of Fire Commissioners

Serving the communities of Oneco, Samoset, Tallevast and adjoining areas of Manatee County.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
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Governor

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Secretary

December 28, 2001

Mr. John W. Turcotte
Director
The Florida Legislature
Office of Program Policy Analysis and Government Accountability
111 West Madison Street, Room 312
Tallahassee, Florida 32399-1475

**Re: Special Report: Fire Department Coordination Beneficial; Merger
Guidelines Would Be Helpful**

Dear Mr. Turcotte:

This letter is in response to your December 5, 2001 letter to me in which you invite the Department of Community Affairs to provide a written response to the above referenced report. The report concerned the failed merger of the Cedar Hammock Fire Control District and the Southern Manatee Fire and Rescue District.

In your report, you recommended that, to facilitate successful fire department cooperation, the Department of Community Affairs and the State Fire Marshal should establish a task force of relevant stakeholders to develop guidelines that would help local communities plan for and implement cooperative agreements and mergers.

The Department does not support the recommendation at this time because no evidence exists to support the notion that the current situation merits convening a task force with statewide application. Additionally, the following errors and clarifications should be addressed before finalizing the report:

- The Footnote on page 1 is not accurate. Currently, Florida has 556, not 669, independent special districts. Local general-purpose governments may create certain types of independent special districts (see Section 189.404(4), *Florida Statutes*). Independent special districts are not necessarily governed by elected boards.

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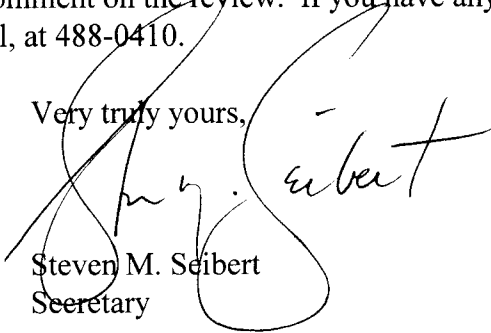
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Mr. John W. Turcotte
December 28, 2001
Page Two

- On page three, Exhibit 1, under "Special Districts - Independent," clarify under "Governing Body" that this reference is made to fire districts only.
- On page three, Exhibit 1, under "Special Districts - Dependent," clarify that the local general-purpose government may not necessarily govern the special districts. The local general-purpose government may have some limited powers, such as appointing some or all board members, removing board members at will, and/or approving the district's budget.
- On page seven, first column, second paragraph, clarify that the Department of Community Affairs is not aware of any county ever conducting the oversight review process.

Thank you for the opportunity to comment on the review. If you have any questions, please call Ms. Cari Roth, General Counsel, at 488-0410.

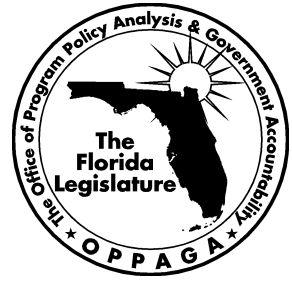
Very truly yours,



Steven M. Seibert
Secretary

SMS/jg

The Florida Legislature Office of Program Policy Analysis and Government Accountability



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- [Florida Government Accountability Report \(FGAR\)](#) is an Internet encyclopedia of Florida state government. FGAR offers concise information about state programs, policy issues, and performance. Check out the ratings of the accountability systems of 13 state programs.
- [Best Financial Management Practices Reviews of Florida school districts](#). In accordance with the *Sharpening the Pencil Act*, OPPAGA and the Auditor General jointly conduct reviews to determine if a school district is using best financial management practices to help school districts meet the challenge of educating their students in a cost-efficient manner.

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John W. Turcotte, OPPAGA Director