

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 35 OF THE CODE OF ORDINANCES ENTITLED "POLICE AND FIRE DEPARTMENTS" TO REVISE THE REGULATIONS RELATING TO EXTRA-DUTY POLICE SERVICES; PROVIDING FOR A SEVERABILITY CLAUSE AND A REPEALER PROVISION.

WHEREAS, Section 35.02 of the Hollywood Code of Ordinances establishes regulations regarding extra-duty police service within the City; and

WHEREAS, the Police Department has determined that it is necessary to revise the regulations as they are not consistent with existing practice and policies and are not sufficient to protect the City from liability; and

WHEREAS, the Police Department's standard operating procedures provide for the ability to assess an administrative surcharge when specialized City equipment is used as an integral part of the extra-duty police service and no mutual interest between the police and the community exists; and

WHEREAS, specialized equipment includes police vehicles, police motorcycles, police boats, and any other equipment requested by the entity seeking extra-duty police services; and

WHEREAS, the Police Department has determined that it would be in the best interest of the City to assess these and other administrative fees where appropriate; and

WHEREAS, Section 35.02, City Code, provides that permit fees shall be specified in the collective bargaining agreement; however, such fees are not currently included in the CBA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That Chapter 35 of the Hollywood Code of Ordinances is hereby amended as follows:

CHAPTER 35: POLICE AND FIRE DEPARTMENTS

* * *

(Coding: Words and figures underscored are additions to existing text; words and figures ~~stricken-through~~ are deletions from existing text.)

EXTRA-DUTY POLICE SERVICE

* * *

(B) *Employment of a Police Officer or Community Service Officer in an extra-duty police service capacity; permit required*

* * *

(4) No permit shall be granted to a broker, a billing agent or to any other intermediary who will not be the permittee. ~~Except as specifically provided in this section, no fees, charges or commissions of any kind shall be paid or collected for extra-duty police service.~~

(C) *Temporary, Permanent and Special Permits; Fees*

* * *

(1) Every person applying for a permanent permit for extra-duty police service shall pay a fee specified in the ~~collective bargaining agreement between the city and the police union~~ standard operating procedures of the Police Department. Said fee is to be paid annually to the City, and every permit will expire on September 30 of each year. Permittees must apply annually for ~~said~~ such permit before October 1 of each year.

(2) Every person applying for a temporary permit for extra-duty police service shall pay a fee specified in the ~~collective bargaining agreement between the city and the police union~~ standard operating procedures for the Police Department. If a person requesting a temporary permit applies more than two times between October 1 and September 30 of the following year, no additional fee shall be required; ¹ but an application for a permit shall be filed before the extra-duty service will be approved. Every request must be made three days in advance of the service, except in cases of a bona fide emergency approved by the Chief of Police or ~~his or her~~ designee.

(5) In addition to paying the fees required by this subsection, every person applying for a permit for extra-duty police service shall ~~choose one of the following options:~~

~~(a) Payment to the city, each time compensation for extra-duty police service is remitted to a police officer, Community Service Officer, or billing agent, of an hourly surcharge equal to the estimated cost of the city's risk of liability attributable to the extra-duty police service in an amount determined annually by the Risk Manager. The surcharge shall cover only the city's liability and shall not protect the police officer, the Community Service Officer, or the permittee from liability;~~

~~(b) Provision of execute a hold harmless agreement, approved by the City Attorney, protecting the city, and approved by the City Attorney; or~~

~~(c) Provision of provide an insurance policy covering the city and approved by the Risk Manager or the Human Resources Director.~~

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Section 2: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

Section 3: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect 30 days from its passage and adoption.

Advertised on _____, 2019.

PASSED on first reading this _____ day of _____, 2019.

PASSED AND ADOPTED on second reading this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY