

City of Palm Coast, Florida Agenda Item

Agenda Date: October 6, 2026

Agenda Item: I.2

Department CITY ATTORNEY Division	Amount Org/Account #
Subject: ORDINANCE 2026-XX PROHIBITING THE TRANSFER OF THE CITY OF PALM COAST FIRE RESCUE DEPARTMENT	
Presenter: Marcus Duffy, City Attorney	
Attachments: 1. Ordinance 2. Business Impact Estimate	
Background: <u>UPDATED BACKGROUND FROM THE SEPTEMBER 15, 2026, BUSINESS MEETING:</u> City Council reviewed the item at their September 15, 2026, Business Meeting. There were no changes made to the item. <u>UPDATED BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:</u> City Council reviewed the item at their September 8, 2026, Workshop Meeting. There were no changes made to the item. <u>ORIGINAL BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:</u> City Council directed the City Attorney to draft an ordinance prohibiting the transfer of the City of Palm Coast Fire Rescue Department which is attached to this item for consideration and direction.	
Recommended Action: ADOPT ORDINANCE 2026-XX PROHIBITING THE TRANSFER OF THE CITY OF PALM COAST FIRE RESCUE DEPARTMENT	

ORDINANCE 2026-__
PROHIBIT THE TRANSFER OF THE CITY OF PALM COAST
FIRE RESCUE DEPARTMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALM COAST, FLORIDA; AMENDING CHAPTER 25 FIRE PREVENTION AND PROTECTION, ARTICLE I IN GENERAL, BY AMENDING SECTION 25-3 (D) FIRE SAFETY AND RESCUE; REQUIRING A SUPERMAJORITY VOTE OF THE CITY COUNCIL AND APPROVAL BY A MAJORITY OF ELECTORS VOTING IN A MUNICIPAL REFERENDUM PRIOR TO THE ABOLISHMENT, SALE, LEASE, CONSOLIDATION, TRANSFER, OR RELINQUISHMENT OF CONTROL OF THE PALM COAST FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes (the Municipal Home Rule Powers Act), vest comprehensive home rule powers in municipal governments to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, chapter 25 of the *City of Palm Coast Code of Ordinances* establishes provisions governing fire prevention, protection, and fire service administration within the City of Palm Coast (“City”); and

WHEREAS, the City Council of the City of Palm Coast finds that maintaining an operational, locally controlled Fire-Rescue Department is vital to protecting the public health, safety, and welfare of the residents and property owners of the City; and

WHEREAS, the City Council desires to establish a heightened legislative standard and mandate public voter participation before any proposal to dissolve, sell, transfer, or consolidate the Palm Coast Fire Department with another government entity or private service provider may take effect; and

WHEREAS, the City Council finds it in the best interest of the community to require both a supermajority vote of the Council and a citywide referendum before approving the sale, transfer, or long-term lease of any City-owned Fire Rescue Department; and

WHEREAS, the City Council deems it necessary and essential to safeguard municipal

public safety assets and ensure that the Palm Coast Fire Department remains permanently under the jurisdiction and ownership of the City of Palm Coast for the safety and welfare of its residents;

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMENDMENT TO ARTICLE 1, SECTION 25-3 (D), FIRE SAFETY AND RESCUE OF THE CODE OF ORDINANCES. That Chapter 25, Fire Prevention and Protection, Article I, In General, Section 25-3 (d) & of the Code of Ordinances of the City of Palm Coast are hereby amended to read as follow:

Sec. 25-3. – Fire safety and rescue.

(d) Prohibiting Acts. It shall be unlawful for the City of Palm Coast, to sell, transfer, or long-term lease, the City of Palm Coast Fire Rescue Department, or any substantial operational component thereof, to any other municipality, county government, special district, state agency, or private corporate entity unless the City Council approves such action by a supermajority vote and the action is approved by a majority of electors voting in a Citywide referendum. The City Council's vote shall occur before the referendum is called.

(e) Exclusions. Nothing in this section shall prohibit:

(1) The routine procurement, replacement, surplus disposal, or sale of individual obsolete or decommissioned firefighting vehicles, tools, or equipment in the ordinary course of municipal administration.

(2) Mutual aid agreements, automatic aid agreements, or interlocal agreements entered into with

neighboring municipal, county, or state emergency services for the enhancement of regional public safety and disaster response.

(3) Interlocal agreements for specialized training or shared dispatch services that do not divest the City of Palm Coast of its ultimate ownership, control, and operational authority over its fire department.

* * *

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED on first reading this 15th day of September 2026.

ADOPTED on second reading after due public notice and hearing this 6th day of October 2026.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY



**THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164**

**BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)**

**Meeting Date: 10/06/2026
Ordinance Number: 2026-XX
Posted To Webpage:**

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALM COAST, FLORIDA; AMENDING CHAPTER 25 FIRE PREVENTION AND PROTECTION, ARTICLE I IN GENERAL, BY AMENDING SECTION 25-3 (D) FIRE SAFETY AND RESCUE; REQUIRING A SUPERMAJORITY VOTE OF THE CITY COUNCIL AND APPROVAL BY A MAJORITY OF ELECTORS VOTING IN A MUNICIPAL REFERENDUM PRIOR TO THE ABOLISHMENT, SALE, LEASE, CONSOLIDATION, TRANSFER, OR RELINQUISHMENT OF CONTROL OF THE PALM COAST FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- ☐ 1. Ordinances required for compliance with federal or state law or regulation;
- ☐ 2. Ordinances relating to the issuance or refinancing of debt;
- ☐ 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
- ☐ 5. Emergency ordinances;
- ☐ 6. Ordinances relating to procurement; or
- ☐ 7. Ordinances enacted to implement the following:

___ a. Development orders, and development agreements, and development permits, as those terms are defined in S 163.3164, and development agreements, as authorized by the Florida Local Government Development Acts SS. 163.3220-163.3243;

___ b. Comprehensive Plan amendments and land development regulation amendments initiated by an application by a private party other than the county;

___ c. Sections 190.005 and 190.046;

___ d. Section 553.73, relating to the Florida Building Code; or

___ e. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Palm Coast.) N/A

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Coast:

(fill out subsections a-c as applicable, if not applicable write "not applicable")

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted: N/A

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible: N/A

(c) An estimate of the City of Palm Coast's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A

(d) Does this proposed ordinance have a direct impact on affordable housing? If so, explain.

Part III. Good faith estimates of the number of businesses likely to be impacted by the ordinance. N/A

Part IV. Additional Information (if any): N/A