



**FIRE RESCUE DEPARTMENT**  
**JAMES M. FITZGERALD, Fire Chief**  
6590 Amory Court  
Winter Park Florida 32792  
(407) 836-9061 Fax (407) 836-9106  
James.Fitzgerald@ocfl.net

February 7, 2020

TO: Mayor Jerry L. Demings  
- AND -  
Board of County Commissioners

THRU: Danny Banks, Deputy County Administrator *[Signature]*

FROM: James M. Fitzgerald, Fire Chief *[Signature]*

CONTACT: Anthony Rios, Division Chief *[Signature]*  
Planning & Technical Services  
Orange County Fire Rescue Department  
407-836-9037

SUBJECT: Limited License and Conditions of Use Agreement with ISO  
**February 25, 2020 – Consent Agenda**

The Orange County Fire Rescue Department (OCFRD) currently provides a Public Protection Class (PPC) rating of 1 as determined by the Insurance Services Office, Inc. (ISO). The PPC 1 rating is the highest rating possible and applies to all properties in the service area within five road miles of an OCFRD Fire Station.

OCFRD earned the PPC 1 rating through its most recent evaluation by ISO. This was a significant improvement from the previous PPC 4 rating and provided Orange County property owners with the potential for much lower insurance rates. In order to preserve this rating and the benefit to the public, OCFRD is requesting approval of an agreement in order to gain access to key data used by ISO in its evaluation process. Reevaluation of the PPC rating is conducted by ISO every four to five years, and this data will enable OCFRD to prepare more thoroughly for the evaluation and optimize the outcome. There is no cost to Orange County.

**ACTION REQUESTED: Approval and execution of Limited License and Conditions of Use agreement between Orange County, Florida and Insurance Services Office, Inc. regarding access to the needed Fire Flow Report and Shape Files. There is no cost to Orange County.**

Attachment(s)

BCC Mtg. Date: February 25, 2020



## **INSURANCE SERVICES OFFICE, INC.**

1000 Bishops Gate Blvd, Suite 300, P.O. Box 5404, Mt. Laurel, New Jersey 08054  
Phone: (856) 787-0412 or (800) 444-4554 FAX 1-800-777-3929

### **Limited License and Conditions of Use**

In exchange for access to the Needed Fire Flow Report and Shape Files, you are agreeing to the provisions set forth below.

You as licensee are subject to the following Conditions of Use:

No part of the information, material and database extracts contained in the Needed Fire Flow Report and Shape Files (also known as NFF Batch Report) may be sold, reproduced, transmitted, stored in a retrieval system, or translated into any human or computer language, in any form or by any means whatsoever without the express written permission of an authorized representative of Insurance Services Office, Inc.™ (ISO).

Permission is hereby granted to copy and use the Needed Fire Flow Report, Shape Files solely within your Department and solely for the following purposes (the "Purpose"): Commercial Property Risk Assessment and furtherance of your Department's fire prevention, suppression and planning endeavors. This includes the right to print reports and use them internally or otherwise integrate them into your internal electronic systems as may be necessary for the Purpose.

**Limited License; Limitations on Use.** The Needed Fire Flow Report, Shape Files is made available to you solely pursuant to this limited license in this electronic medium. The Needed Fire Flow Report and all associated user IDs and passwords, are the confidential, proprietary and/or trade secret information of ISO. You must obtain ISO's prior written consent to use the Needed Fire Flow Report for any other purpose. In such cases, additional fees may be due to ISO. Neither you nor any other user at your Department nor anyone acting by or through you shall sell, transfer, distribute, publish, disclose, view, display, or otherwise make the Needed Fire Flow Report available, in whole or in part, to any other person or entity, other than within your Department as required for your internal business needs. Except as indicated above or in any applicable contract between you and ISO, You may not print, reprint, copy, file, use, modify or reproduce the Needed Fire Flow Report for any purpose. You must include the following statement on any permissible copies of material made from the Needed Fire Flow Report: "Copyright, Insurance Services Office, Inc., 2015."

In addition to the foregoing, the following terms and conditions apply to your use of the Needed Fire Flow Report:

- Licensee may not resell, re-license or redistribute the information received hereunder, in whole or in part, including to other fire-fighting organizations. Except as may be otherwise authorized by ISO in writing, no information may be shared with or in any way be stored or entered in any physical location accessible to any third-party, including but not limited to joint marketing arrangements, nor shall Licensee permit any third party, whether vendor, consultant, representative or organization to access, interface with or use the Needed Fire Flow Report or any information derived therefrom, including, without limitation any documentation whether paper or electronic that includes ISO information or any products, information or materials owned or licensed by ISO that are appended or imbedded with the Needed Fire Flow Report.

• The Needed Fire Flow Report may include access to information from third-party providers and Licensee hereby acknowledges that such third-party providers are third-party beneficiaries to this Limited License. Licensee agrees to keep any and all data obtained via the Needed Fire Flow Report confidential. Licensee acknowledges that the data shall at all times remain the proprietary and/or copyrighted property of ISO or the third-party provider and lawfully licensed to ISO for distribution by ISO. Licensee has no proprietary rights in the Needed Fire Flow Report. Licensee agrees to indemnify and hold such third-party providers harmless from and against all claims arising out of, related to or attributable to (i) the use of the Needed Fire Flow Report by Licensee (ii) Licensee's breach of this Limited License or (iii) Licensee's violation of any local, state or federal laws, rules or regulations applicable to Licensee.

• Licensee shall not disassemble, decompile, manipulate, aggregate or reverse engineer the Needed Fire Flow Report or any other proprietary information and shall take all necessary steps to prevent such disassembly, decompiling, manipulation, aggregation or reverse engineering of the Needed Fire Flow Report and any other proprietary information obtained from the Needed Fire Flow Report. Under no circumstances shall Licensee sell, license, publish, display, copy, distribute, or otherwise make available the proprietary information in any form or by any means. Licensee represents that it proceeds at its own risk in choosing to rely in whole or in part upon the information obtained from the Needed Fire Flow Report.

• Licensee acknowledges and agrees that it may retain current copies of the Needed Fire Flow Report in its possession solely for historical reference purposes or to comply with laws or regulations regarding retention of Licensee's policy materials. Licensee may not aggregate or compile the data received from the Needed Fire Flow Report into a database or other derivative work, nor assist any third party to formulate any such database, including any database or other derivative work which competes with the Needed Fire Flow Report.

• ISO recognizes that, as a political subdivision of the State of Florida, the licensee agrees to the terms and conditions of this legal instrument only to the extent legally permitted pursuant to Florida State law, including Florida's Public Records Laws as codified in Chapter 119, Florida Statutes.

MICHAELE MORAS II

Print Name

3/16/20

Date

[Signature]

Signature

3/14/20

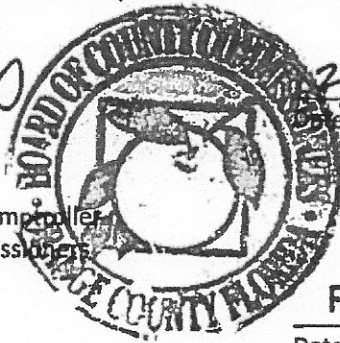
Date

As ratified by the Orange County Board of County Commissioners on FEB 25 2020 (date).

By:

[Signature]

Jerry L. Demings  
Orange County Mayor



2/25/2020

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By:

[Signature]

for

Deputy Clerk

FEB 25 2020

Date