



BREVARD COUNTY
PARKS AND RECREATION DEPARTMENT
RULES AND USE POLICY



EXHIBIT B

A. General

1. County property, facilities, and equipment placed under the authority of the Department are intended primarily for recreational use by the general public. Use of these facilities and areas shall not be adapted to a use which differs from this purpose; however, facilities and equipment may be made available for community or other public use when such use is compatible with other general public use established or approved by the Department and in accordance with Chapter 78, Code of Ordinances of Brevard County, Use of Parks. Availability and reservation of such parks, recreational facilities and equipment shall be on first come, first serve basis unless a permit is required per Chapter 78, Section 78-82, Code of Ordinances of Brevard County.
2. Any individual, group and/or organization applying for use permits shall be classified into five (5) categories for purposes of identification and charges for facilities and equipment.
 - a. Category I (Sponsored and Co-sponsored): Recreational activities directly sponsored, or co-sponsored by the Department.
 - b. Category II (Recreation Partners): Any sanctioned group or organization that has a current Recreation Partner agreement with Brevard County Board of County Commissioners.
 - c. Category III (Not for Profit/Non-profit): Any non-profit or not for profit organization as defined in Chapter 78, Section 78-76, Brevard County Code of Ordinances.
 - d. Category IV (Private/Non-Commercial): Individuals, private groups, and/or private non-commercial organizations.
 - e. Category V (Public issue speech): Any individual, group, and/or organization whose proposed activity or event is conducted for the purpose of public issue speech. Public issue speech is defined as all speech and assembly protected by the First Amendment to the United States Constitution, as interpreted by case law; including, but not limited to, religious, political and philosophical speech and assembly as well as charitable solicitation for any purpose described in Section 496.404 (20), Florida Statutes (2001), as amended.
 - f. Category VI (Commercial): Any activity as defined in the Chapter 78, Section 78-76, Code of Ordinances of Brevard County,

B. Responsibility

1. The collection of specified fees is the responsibility of the Parks and Recreation Department Director or designee, per Chapter 78, Section 78-83, Code of Ordinances of Brevard County.
2. The Parks and Recreation Department Director or designee shall approve use of parks, recreational facilities, equipment and department managed lands as specifically provided by Chapter 78, Code of Ordinances of Brevard County and this policy.
3. The Parks and Recreation Department Director or designee is responsible for ensuring that property and equipment are safeguarded during periods of approved use.

C. Permit

1. Any individual, group and/or organization, desiring to reserve any park and/or recreational facility shall obtain a permit from the Department.

2. All individuals, groups and/or organizations granted a permit to use a County park or recreational facility must agree to abide by all established rules, regulations, laws and ordinances of state, federal, county and city governments and their respective agencies, which are enforceable in the jurisdiction where such park or recreational facility is located. No permit shall be granted where the applicant represents, as part of its application, an express intent to violate any laws and/or ordinances of state, federal, county or city governments, which are enforceable in the jurisdiction where such park or recreational facility is located.
3. The Department shall promptly review all submitted applications for permits for use of County parks and recreational facilities. Permits shall be issued as soon as reasonably possible upon the satisfaction of the conditions set forth in Chapter 78, Code of Ordinances of Brevard County, and herein, regarding the issuance of permits.
4. Payment of applicable fees for scheduled use of facilities must be made prior to the issuance of a permit and/or services. This includes all non-profit groups.
5. Refunds
 - a. An administrative fee of \$20.00 maybe assessed for the processing of refunds.
 - b. Cancellation of a facility rental reservation may be initiated by applicant not less than 7 calendar days prior to the scheduled use; however, a \$20.00 processing fee as established by resolution of the Board of County Commissioners will be assessed and/or deducted when the reservation fee is refunded. If a refund request is received less than 7 calendar days prior to scheduled date of use, the reservation fee will be forfeited. When refunds are department initiated the refund will be returned in full.
 - c. Application for pool and recreational activity refunds must be received prior to scheduled date of use, except for illness or family emergencies, in which case proof must be provided, and the application must be received within 7 days following absence. A processing fee of \$20.00 will be assessed for refunds. Daily refunds are not available.
6. Prior to granting a permit, any individual, group, and/or organization sponsoring the activity(ies) or event(s) shall agree to indemnify and hold Brevard County harmless from any and all liability, claims, damages, expenses (including attorney's fees), proceedings and causes of action of every kind and nature, arising out of or connected with said sponsor's use, occupation or control of the park or recreation facility (or any improvement thereon or any furniture, furnishings, equipment and fixture utilized in connection therewith), unless liability, claims, damages or expense are a result of Brevard County's sole negligence. The individual, group, and/or organization shall agree that it will, at its own expense, defend any and all actions, suits or proceedings which may be brought against Brevard County in connection with said parks and facilities arising from said sponsor's activities and that it will satisfy, pay, and discharge any and all judgments that may be entered against Brevard County in any such action or proceeding.
 - a. Commercial activity, as defined in Chapter 78, Section 78-76, Code of Ordinances of Brevard County, does not include public issue speech, as defined in Category V above. Therefore, a permit for a proposed activity shall not be denied for failure to qualify for tax-exempt status pursuant to section 501(c), Internal Revenue Code, where such activity is public issue speech.
 - b. Any material misrepresentation, whether written or oral, by a permit applicant on an application or during the application process, where the department relied on such misrepresentation in granting a permit, shall be grounds for the Department's immediate revocation of such permit and is punishable pursuant to Chapter 78, Section 78-101, Code of Ordinances of Brevard County.

D. Liability

1. Category II, III, IV, and VI individuals, groups and/or organizations utilizing facilities for high risk or commercial activities are required to provide general comprehensive liability insurance in an amount not less than \$1,000,000 per occurrence to cover any and all claims and costs arising in connection with any accident or occurrence related to such activities. Brevard County Board of County Commissioners shall

be named as an additional insured on any such policy. A copy of a certificate of insurance or letter of binder shall be provided to the County prior to the issuance of the permit. The following are the high risk or commercial activities where such insurance is required:

- a. Activities that involve physical contact.
 - b. Alcoholic beverage usage that has been permitted at functions open to the public.
 - c. Sale of food items and/or beverages at functions open to the public.
 - d. Activities where amplified music is a primary function, a gathering of more than 200 people is reasonably expected and such activities are open to the general public.
 - e. Commercial activities, as defined in Chapter 78, Section 78-76, Code of Ordinances of Brevard County, and herein, and/or at events open to the public.
 - f. Activities that involve "At Risk Populations". "At Risk Population" shall include but not be limited to children, elderly, disabled, and those who cannot defend themselves. The Parks and Recreation Department Director shall have the discretion to classify an activity as involving an "At Risk Population".
2. Category V individuals, groups and/or organizations utilizing parks or recreational facilities for the purpose of public issue speech shall not be required to provide liability insurance unless the proposed activities or event include any of the high risk or commercial activities listed in the immediately preceding paragraph. If required, the amounts of such insurance shall be identical to those stated in the immediately preceding paragraph. Under no circumstances shall the content of the proposed speech, nor the potential reaction of those listening to said speech, be a consideration with regard to the requirement and/or amount of liability insurance required.
 3. In addition to general comprehensive liability insurance, host and/or liquor liability insurance shall be required where the sponsor of the activity or event serves or allows to be served and/or consumed alcoholic beverages at such activity or event. If the individual, group, and/or organization is selling alcoholic beverages and/or including alcoholic beverages in the sale of admission ticket, the individual, group, and/or organization will obtain a legal liquor liability policy, written by an insurer authorized to do business in Florida, naming Brevard County Board of County Commissioners as an additional insured, with a minimum coverage of \$1,000,000 per accident/occurrence, in addition to other insurance requirements. If the individual, group, and/or organization is not involved in the sale of alcoholic beverages and is allowing alcoholic beverages to be served and/or consumed, the individual, group, and/or organization will obtain a host liquor liability policy, written by an insurer authorized to do business in Florida, naming Brevard County Board of County Commissioners as an additional insured, with a minimum coverage of \$1,000,000 per accident/occurrence, in addition to other insurance requirements.
 4. In any event, liability will be assumed by the sponsoring individual, group, and/or organization with regard to any personal injury, liability, and/or property damage arising from the activities of such sponsoring individual, group and/or organization.

E. Reservation of Authority

1. Any alteration of the Rules and Use Policy and/or Fee Schedule must be approved by the Board of County Commissioners; unless such authority has been otherwise delegated previously.