

# MEMORANDUM

Agenda Item No. 11(A)(11)

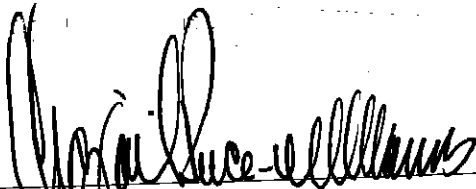
**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** October 17, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution establishing a County policy requiring criminal background checks of applicants for special events permits for events in County parks, to be conducted at the cost of the applicant, and providing that such permits shall not be issued to (1) persons convicted of crimes in County parks or (2) persons prohibited from working or volunteering in County parks under the Shannon Melendi Act; providing that if the applicant for the special events permit is a business entity then the criminal background check shall be conducted of each officer of the business entity; rescinding Administrative Order 8-3 and adopting Implementing Order 8-3 to effectuate this policy; directing the County Mayor to evaluate and prepare a written report on existing practices regarding the issuance of special events permits and develop recommendations on how those practices might be modified to further public safety in County parks

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto, and Co-Sponsor Commissioner Rebeca Sosa.

  
Abigail Price-Williams  
County Attorney

APW/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** October 17, 2017

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(11)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(11)  
10-17-17

RESOLUTION NO. \_\_\_\_\_

RESOLUTION ESTABLISHING A COUNTY POLICY REQUIRING CRIMINAL BACKGROUND CHECKS OF APPLICANTS FOR SPECIAL EVENTS PERMITS FOR EVENTS IN COUNTY PARKS, TO BE CONDUCTED AT THE COST OF THE APPLICANT, AND PROVIDING THAT SUCH PERMITS SHALL NOT BE ISSUED TO (1) PERSONS CONVICTED OF CRIMES IN COUNTY PARKS OR (2) PERSONS PROHIBITED FROM WORKING OR VOLUNTEERING IN COUNTY PARKS UNDER THE SHANNON MELENDI ACT; PROVIDING THAT IF THE APPLICANT FOR THE SPECIAL EVENTS PERMIT IS A BUSINESS ENTITY THEN THE CRIMINAL BACKGROUND CHECK SHALL BE CONDUCTED OF EACH OFFICER OF THE BUSINESS ENTITY; RESCINDING ADMINISTRATIVE ORDER 8-3 AND ADOPTING IMPLEMENTING ORDER 8-3 TO EFFECTUATE THIS POLICY; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EVALUATE AND PREPARE A WRITTEN REPORT ON EXISTING PRACTICES REGARDING THE ISSUANCE OF SPECIAL EVENTS PERMITS AND DEVELOP RECOMMENDATIONS ON HOW THOSE PRACTICES MIGHT BE MODIFIED TO FURTHER PUBLIC SAFETY IN COUNTY PARKS

**WHEREAS**, this Board has approved Administrative Order 8-3 for the purpose of "establish[ing] a standard procedure of application, evaluation and permitting of [s]pecial [e]vents in county-owned and operated park and recreation facilities"; and

**WHEREAS**, in approving Administrative Order 8-3, this Board endeavored to set in place a process for the issuance of special events permits that "[m]inimize[s] impacts to the health, welfare and safety of the public"; and

**WHEREAS**, in order to ensure that the safety objective of Administrative Order 8-3 is better fulfilled, and in order to encourage and foster adherence to the law by park patrons, this Board desires to establish a County policy that special events permits shall not be issued to persons or organizations convicted of committing crimes in County parks in the year preceding the application; and

**WHEREAS**, in addition to approving Administrative Order 8-3, this Board has enacted the Shannon Melendi Act, codified in Sections 26-38 and 26-39 of the Code of Miami-Dade County, which in Sections 26-38(C)(1)-(4) and 26-39(C)(1)-(4) prohibits persons from working or volunteering in County parks who (1) have been convicted of a violent felony or conspiracy to commit a violent felony within the past 5 years; or (2) have been convicted of a felony involving the trafficking of a controlled substance within the past 5 years; or (3) have 2 or more convictions for a violent felony, for conspiracy to commit a violent felony, or involving the trafficking of a controlled substance; or (4) are sexual offenders or sexual predators; and

**WHEREAS**, to effectuate the County's policy of minimizing adverse impacts to public safety, this Board desires to require that (1) as a condition to the issuance of a special events permit, a criminal background check shall be conducted of the applicant for the special events permit, the cost of which shall be borne by the applicant and (2) if said criminal background check reveals that (a) in the preceding year, the applicant was convicted of committing a crime in the County park for which the special events permit is sought or (b) the applicant would be prohibited from working or volunteering in County parks under Section 26-38(C)(1)-(4) or Section 26-39(C)(1)-(4) of the Code of Miami-Dade County (the Shannon Melendi Act), then said permit shall be denied, unless the applicant is able to demonstrate to the County Mayor or County Mayor's

designee that the issuance of the permit is for the exercise of the applicant's First Amendment rights, and there is no other reasonable alternative location for the applicant to exercise such rights; and

**WHEREAS**, on August 26, 2009, this Board adopted Administrative Order 1-1, which differentiates between Administrative Orders and Implementing Orders and, pursuant to Administrative Order 1-1, Implementing Orders are the proper mechanism for the implementation of legislation or policies that fall under the authority of this Board; and

**WHEREAS**, Section 1.01(A)(7) of the Charter grants the Board the authority to "[p]rovide parks, preserves, playgrounds, recreation areas . . . and other recreational . . . facilities and programs"; and

**WHEREAS**, as a result, this Board desires to rescind Administrative Order 8-3 and replace it with Implementing Order 8-3 in substantially the manner attached to this resolution,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** The foregoing recitals are approved and adopted by the Board.

**Section 2.** This Board establishes it as a County policy that as a condition to the issuance of a special events permit, a criminal background check shall be conducted of the applicant for the special events permit, the cost of which shall be borne by the applicant.

If said criminal background check reveals that:

- (a) in the preceding year, the applicant was convicted of committing a crime in the County park for which the special events permit is sought; or

(b) the applicant would be prohibited from working or volunteering in County parks under Section 26-38(C)(1)-(4) or Section 26-39(C)(1)-(4) of the Code of Miami-Dade County (the Shannon Melendi Act),  
then said permit shall be denied.

Notwithstanding the foregoing, if the applicant is able to demonstrate to the County Mayor or County Mayor's designee that the issuance of the permit is for the exercise of the applicant's First Amendment rights, and there is no other reasonable alternative location for the applicant to exercise such rights, then the special events permit may be issued.

**Section 3.** For the purpose of fulfilling the directive set forth in Section 2, if the applicant for the special events permit is a business entity (whether for profit or not for profit), then the criminal background check required under Section 2 shall be as to each officer of the business entity.

**Section 4.** The Board rescinds Administrative Order 8-3 and adopts Implementing Order 8-3 in substantially the form attached to this resolution.

**Section 5.** The County Mayor or County Mayor's designee is directed to evaluate the County's existing practices with respect to the issuance of special events permits and develop recommendations on how those practices might be modified to further public safety in County parks. The County Mayor or County Mayor's designee shall (1) prepare a written report on the foregoing matter, (2) provide the report to this Board within 90 days of the effective date of this resolution, and (3) place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto, and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of October, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MAG

Miguel A. Gonzalez

[[Administrative]] >>Implementing<< Order



[[Administrative]] >>Implementing<< Order No.: 8-3

Title: Special Event Permits in [[Park and Recreation]] >>Parks, Recreation and Open Spaces<<  
Department >>(or Successor Department)<< Facilities

Ordered: \_\_\_\_ Effective: \_\_\_\_

#### **AUTHORITY AND REFERENCES:**

Article [[4]] >>1<<, Section [[4.02]] >>1.01(A)(7)<< and Article [[6]] >>7<<, Section [[6.02 (F)]] >>7.02<< of the Miami-Dade County Home Rule Amendment and Charter; and Chapter 26 of the Code of Miami-Dade County; and Chapter 2-1, Sections 21-28, 21-28.1, 21-29; and Chapter 125.38, Florida Statutes.

#### **EXEMPTION:**

For only the purpose of permitting Special Events in county-owned and operated Park and Recreation Facilities, this [[AO]] >>IO<< is exempt from AO 8-5, Permission to Conduct Private Business on County Property, dated [[December 19, 1989]] >>December 7, 1999<<.

#### **PURPOSE:**

Special Events present an opportunity to invigorate civic pride, to celebrate the social and cultural fabric of a community, and to encourage economic development. Because of their very nature as common grounds for recreation and enjoyment, public parks and recreation open spaces often provide the right atmosphere for the hosting of these celebrations. The purpose of this [[AO]] >>IO<< is to establish a standard procedure of application, evaluation and permitting of Special Events in county-owned and operated park and recreation facilities in an effort to:

- Ensure events remain for public park purposes only;
- Provide broad public benefit;
- Respect park capacity, infrastructure general plan;
- Ensure compatibility and sympathy with surrounding land uses as well as natural, cultural and historic park resources;
- Meet the conditions of Article [[6]] >>7<< of the Miami-Dade County Charter; and,
- Minimize impacts to the health, welfare and safety of the public.

#### **DEFINITIONS:**

1. **Special Event(s)** -- A Special Event constitutes those festivals, carnivals, concerts, parades and community happenings that have the purpose of enhancing recreational opportunities consistent with a park's intended use for entertainment, education, or cultural, religious, ethnic or political expression. It is understood that these events are above and beyond daily

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recreational programming provided by the Miami-Dade County ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<< or its not-for-profit programming partners.

The term Special Events does not include events sponsored entirely by the Miami-Dade County ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<<; or events that are administered through reservation at a specific park facility through the Park Manager or Facility Director, such as:

- Picnics;
  - Weddings;
  - Funerals;
  - Elections;
  - Sports competitions held at permanent athletic venues, or
  - Concert series and other artistic endeavors held at permanent performing arts venues.
2. **Public Park Purpose** -- The term Public Park Purpose refers to the use of public land and water areas and associated facilities for aesthetic, educational, recreational or cultural use, which promote personal, social, environmental and economic benefits to the Miami-Dade County community.
  3. **County Park and Recreation Facility** -- The term County Park and Recreation Facility refers to any public park land and the recreational facilities, thereon, owned and/or operated by the Miami-Dade County ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<<.
  4. **Special Events Area** -- The term Special Events Area refers to a specific site within a County Park and Recreation Facility, as designated by Miami-Dade County Park and Recreation staff, that is most appropriate to support a Special Event. The criteria for designation of a Special Events Area is delineated in this ~~[[A9]]~~ >>IO<<, Section I - Park Classifications and Restrictions.
  5. **Staging Area** -- The term Staging Area refers to the public park land outside of the designated Special Events Area needed to set up, take down, store equipment, materials and supplies to support the Special Event.
  6. **Special Events Coordinator** -- The term Special Events Coordinator refers to the individual employed by the Miami-Dade County ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<<, who is responsible for the marketing of County Park and Recreation Facilities for Special Events; the coordination of the Selection Committee; the dispensing of the Special Events Application Packages; coordination with the Event Organizer to ensure deadlines and checklists are achieved; and all other departmental tasks necessary to support Special Events.

7. **Event Organizer** -- The term Event Organizer refers to the person or organization serving as the primary contact for the production of a Special Event.
8. **Selection Committee** -- The term Selection Committee refers to the internal departmental group, as defined in Section V -- Evaluation Criteria for Approval, that is responsible for evaluating Special Event Application Packages and recommending approval or rejection of Special Events Permits.
9. **Special Event Application Package** -- The term Special Event Application Package refers to the documents, as outlined in Sections III and IV of this ~~[[AØ]]~~ >>IO<<, that obtains the necessary information to evaluate Special Events applications and approves for permitting.

## **GUIDELINES AND PROCEDURES:**

Under the Guidelines and Procedures described hereafter, Park and Special Event Classifications will be detailed with their corresponding restrictions; the contents of the Special Event Application Package will be defined as will the information required from the Event Organizer; provisions for waiver will be provided; and all other required regulatory permits will be described.

## **SECTION I - PARK CLASSIFICATIONS AND RESTRICTIONS:**

The consideration of Special Events shall be tied to the appropriate use of a park and recreation facility utilizing the classification system adopted in the County's Comprehensive Development Master Plan (CDMP).

The Miami-Dade County ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<< organizes its park and recreation facilities into two primary categories: Local Parks and Areawide Parks. Local parks serve the Unincorporated Municipal Service Area (UMSA) and Areawide parks serve all Miami-Dade County residents and visitors. Within both categories, parks are further broken down into the general administrative classifications detailed below, which are based upon their typical size, purpose and range of facilities.

Each Special Event Application Package will include a list of all Miami-Dade County Park and Recreation Facilities and their respective classifications. Each park classification is determined by department staff in accordance with the guidelines of the CDMP. No park classification can be changed to accommodate a Special Event.

### **Park Classifications**

- **Areawide**
- **Metropolitan Parks**
- 200-plus acres
- Natural and cultural resource-based recreational activities

- Staffed
  - Example: Haulover Park and Marina  
Matheson Hammock Park and Marina
- **Natural Area Preserves**
  - 5-plus acres
  - Passive to protect endemic and threatened biological communities
  - Non-staffed
  - Example: Nixon Smiley Pineland  
Ned Glen Pineland
- **Special Activity Areas**
  - Single-use facilities
  - Unique recreational opportunity based upon nature of attraction
  - Staffed
  - Example: Vizcaya Museum and Gardens  
Deering Estate at Cutler
- **Greenways**
  - Linear corridors linking parks and public facilities
  - Non-staffed
  - Example: South Dade Greenway
- **Local**
  - **District Parks**
    - 200-500 acres
    - Intensive user-based recreational facilities
    - Staffed
    - Example: Amelia Earhart Park  
Tropical Park
  - **Community Parks**
    - 20-100 acres
    - Mixed passive and active recreational facilities
    - Staffed
    - Example: Gwen Cherry Park  
Coral Reef Park
  - **Single-Purpose Parks**
    - 5-15 acres
    - Single function
    - Staffed
    - Example: North Dade Optimists Park

## Franjo Park

### • **Neighborhood Parks**

- 5-10 acres
- Passive recreational activities
- Non-staffed
- Example: Acadia Park  
Briar Bay Park

### • **Mini Parks**

- Less than one acre
- Passive recreational activities
- Non-staffed
- Example: Alonso Kelly Park

### **Restrictions**

*Only Metropolitan, Special Activity, Special Purpose, District, Community, and Neighborhood parks shall be designated for special events permitting. An area (or areas) in each park within these park classifications shall be designated as appropriate as a Special Events Area, as determined by department staff. In no event, shall a Special Event be held outside of the designated area(s). This designation shall be based upon:*

- Ease of accessibility from feeder and park roads;
- Infrastructure requirements (restrooms, utilities);
- Ability to safely accommodate anticipated peak demand for parking;
- Security/safety; and
- Minimizing impact on surrounding neighborhoods, adjacent land uses, natural and cultural resources, or other ongoing park activities.

Special Activity Parks, such as Vizcaya, ~~[[Miami Metrozoo]]~~ >> Zoo Miami <<, and the Deering Estate at Cutler, require more restrictive standards based upon their unique cultural, historical or natural resources. At least one representative from their associated support organizations as well as the facility director shall serve on the Selection Committee when required, as detailed in Section V of this ~~[[AΘ]]~~ >> IO <<.

Vizcaya Museum and Gardens is the only exception. Vizcaya Museum and Gardens is governed by Ordinance 98-112, which establishes the responsibilities and authority of the Vizcaya Trust. Any Event Organizer proposing to host an event at Vizcaya Museum and Gardens must directly contact the facility and be subject to the rules and regulations of Ordinance 98-112.

Elements of special events, such as mechanical amusement rides and concert noise, shall be restricted as follows:

- **Mechanical Amusement Rides**

Mechanical amusement rides shall be allowed only in District and Community parks, with restrictions placed on location, and their impact on the welfare and safety of both the public and the park site. Mechanical amusement rides shall be excluded in Metropolitan and Special Activity Parks because of the sensitivity of their natural, historical and cultural resources.

Exceptions to the policy must be recommended by the Selection Committee and approved by Department Director.

- **Noise, Music and Entertainment**

Miami-Dade County prohibits unreasonable and disruptive noise that is clearly incompatible with the normal activities of certain locations at certain times. According to Section 21-28 and 21-28.1 (B) of the Miami-Dade County Code, and as included in Chapter 26 of the Code of Miami-Dade County, it is unlawful for any person or organization to make, continue or cause to be made loud, excessive or unusual noise.

Music and entertainment will be restricted as much as possible to regular park hours, which are from sunup to sundown. No single musical or entertainment performance may last more than two hours. In such cases where a Special Event is permitted to endure past regular park hours, no musical or entertainment performance may take place past 11:00 PM and no earlier than 9:00 AM. No music or entertainment performance may be allowed in such a manner as to be plainly audible at a distance of 100-feet outside of the County Park and Recreation Facility boundary.

Failure to comply with requests to decrease noise to an acceptable level will result in notification to the Miami-Dade Police Department. Failure to comply may result in the termination of the Special Event, revocation of a Special Events Permit, and may prohibit the issuance of a permit for future events sponsored by the Event Organizer.

- **Fireworks**

Special Events featuring fireworks must first obtain department approval followed by a fireworks permit from the Miami-Dade Fire Rescue Department or appropriate municipal permitting jurisdiction if park facility falls within incorporated boundaries. A written request for the permit must be submitted to the Fire Rescue Department at least 30 days prior to the event, and be approved no later than 10 days prior to the event.

- **Signage**

Sponsorship banners and signage are allowed only within the designated Special Events Area and may be displayed only up to three days prior to the Special Event. Banners must be removed from the site within two days, following the Special Event. All verbiage and graphics must be approved by the department.

## **SECTION II - SPECIAL EVENTS CLASSIFICATIONS:**

Special Events shall be classified according to:

- Size by both the required Staging Area and number of people attending;
- Duration; and
- Infrastructure support requirements (parking, roads, restrooms).

The achievement of any one of the higher criteria shall qualify an event for the higher classification. For instance, if an Event lasts for only two days but 7,000 people are expected to attend each day, the event shall be classified as a Class "A" event. If an Event meets the Class "A" definition in size, duration or infrastructure requirements, it shall be considered for a lease agreement and shall be subject to the County's typical procurement procedures.

### **Special Events Classifications**

- **Class "A"**
  - More than 7 days, or
  - More than 5,000 total attendance/per day, or
  - Heavy parking and infrastructure requirements, or
  - Restricts public use of park site.
- **Class "B"**
  - 4-6 days, or
  - Up to 5,000 total attendance/per day, or
  - Moderate parking and infrastructure requirements, or
  - Limits public use of park site.
- **Class "C"**
  - 1-3 days, or
  - Up to 2,000 total attendance/per day, or
  - Moderate parking and infrastructure requirements, or
  - Compatible with public use of park site.

### **Restrictions**

- No more than one Class "A" event per month can take place in any one park.
- No more than two Class "B" or Class "C" events per month can take place in any one park.
- If a Class "A" event is scheduled during a given month, only one Class "B" or class "C" shall be scheduled.
- No more than two (2) events can be scheduled during a given month in any one park to ensure public accessibility and enjoyment of the Park and Recreation Facility.

Any exception to these restrictions must be recommended by the Selection Committee and approved by the Department Director.

### SECTION III - SPECIAL EVENT APPLICATION PACKAGE:

When an Event Organizer seeks to host a Special Event in a County Park and Recreation Facility, the Event Organizer must contact the designated Special Events Coordinator for the Miami-Dade County ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<< for an Application Package. The Application Package shall include the following information:

- Application Form
- Rules and Regulations of the Miami-Dade County ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<<
- Accessibility Guidelines for Persons with Disabilities
- Timelines and Milestones for Event Preparation
- Checklists for Event Preparation
- Regulatory Requirements/Thresholds and Permits
- Contact List for All Regulatory Agencies
- Park Classifications List
- Required Affidavits

### SECTION IV - REQUIRED APPLICATION INFORMATION:

The Event Organizer will be required to provide the following information in the Special Event Application Package as well as a \$250.00 non-refundable application fee>>, plus the actual costs of any criminal background check required of the Event Organizer or its officers under this IO<<:

- Name of Organization and Event
- Event Organizer Information
- Event Purpose/History
- Event Sponsorship
- Event Budget
- Event Entertainment
- Anticipated Attendance Figures
- Proposed Site Selection/Site Plan
- Financial Statements/Pending Debts
- Proof Ability to Obtain Required Insurance
- List of all Subvendors and Concessionaires
- Proof of Not-for-Profit Status
- >>Any materials or information necessary to conduct a criminal background check<<

Priority will be given to pre-established, annual events. Not-for-profit organizations will be given priority over Special Events which generate profit for the private sector. If the conditions of Article ~~[[6]]~~ >>7<< of the Miami-Dade County Charter have been satisfied to allow a Special Event sponsored by a for-profit organization, the Event Organizer also must provide evidence that:

- The event constitutes a Public Park Purpose;
- It is in the best interests of the general health, safety and welfare of both the participants and citizens of Miami-Dade County;
- There is little to no impact on and/or cost for County support services; and,
- The frequency and uniqueness of the event does not conflict with or replicate an already existing festival or event.

If an event proposed by a for-profit organization does not meet the established criteria, the application will be denied.

Failure by the Event Organizer to submit all required information at least 120 days prior to the start of the Special Event may be grounds for application denial. The County is under no obligation to issue Special Events Permits for use of its Park and Recreation Facilities.

## **SECTION V - EVALUATION CRITERIA FOR APPROVAL:**

Once the Special Event Application Package is submitted to the Department, it will be evaluated by a Selection Committee that will include, at a minimum:

- The Special Events Coordinator;
- The Park Manager of the proposed site or the Director of the cultural/historic facility;
- The Regional Manager supervising that area;
- The Contracts Manager;
- A Representative of the Support Organization for ~~[[Miami Metrozoo]]~~ >> Zoo Miami <<. Vizcaya Museum and Gardens or the Deering Estate at Cutler (if applicable).

Once it is determined that the proposed date of the event does not conflict with already scheduled community or departmental events, all applications will be subject to the following evaluative criteria:

- Classification of the event and its compatibility to the proposed park site's classification
- Appropriateness of event to Public Park Purpose
- Performance history of Event and Event Organizer in both county and municipal Park and Recreation Facilities, (if applicable)
- Impact on park property and surrounding natural and cultural resources
- Impact on traffic conditions
- Availability of county support services, such as parks grounds maintenance crews.
- Audiovisual equipment rental, and the Event Organizer's ability to pay for these services
- Impact on adjacent land uses and neighborhoods
- Duplication of existing county-permitted Special Events
- Enhancement to tourism, economic development and quality of life
- Ability to generate positive local, regional or national media exposure
- Ability to generate revenues for the Department
- Compliance with provisions of Article ~~[[6]]~~ >> 7 <<
- Ability to secure required permits/approvals from regulatory agencies

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- Ability to cover all event expenses

Events taking place in parks located within or containing protected areas or areas of environmental concern, such as wellfield protection areas, freshwater or coastal wetlands, hammocks, tree islands, pinelands, shall be reviewed and approved by the county's ~~[[Department of]]~~ >>Regulatory and Economic Resources Department —<< Environmental Resource Management >>(or successor department)<<.

- **Recommended for Approval**

The Selection Committee will forward its recommendation through the appropriate Assistant Director to the Department Director for final approval. The Event Organizer will be notified within 30 days of submission of its Special Events Application Package whether the application has been approved for a Special Events Permit.

- **Recommended for Denial**

If a Special Event is found to be incompatible with a proposed site's classification, a more appropriate Park and Recreation Facility may be suggested to the Event organizer.

The Selection Committee has full discretion to deny a Special Event Application Package based upon the following factors:

- Incompatible with Public Park Purpose.
- Adverse impact on a park's and/or its surrounding infrastructure, natural and cultural resources.
- Adverse impacts on the traffic conditions and/or adjacent land uses and neighborhoods.
- History of poor performance in County and municipal Park and Recreation Facilities
- Inability to secure required permit approvals.
- Inability to cover all event expenses.
- Inability or unwillingness to comply with insurance requirements.
- No clear positive social or economic benefits to the Department and community.
- Unnecessary replication of existing Special Events.

>>Prior to the approval of a Special Event, the Selection Committee shall conduct a criminal background check of the Event Organizer, the cost of which shall be borne by the Event Organizer. The Selection Committee shall deny a Special Event Application Package if a criminal background check conducted of the Event Organizer for the Special Event reveals that (1) in the preceding year, the Event Organizer was convicted of committing a crime in the County park for which the special events permit is sought or (2) the Event Organizer would be prohibited from working or volunteering on park property under Sections 26-38(C)(1)-(4) or 26-39(C)(1)-(4) of the Code of Miami-Dade County. Notwithstanding the foregoing, if the Event Organizer is able to demonstrate to the County Mayor or designee that the issuance of the permit is for the exercise of the Event Organizer's First Amendment rights, and there is no other reasonable alternative location for the Event Organizer to exercise such rights, then the County Mayor or designee may approve the Special Event. With respect to the requirements of this paragraph, if the Event Organizer for the

Special Event is a business entity (whether for profit or not-for-profit), then the criminal background check required under this paragraph shall be conducted as to each of the officers of the Event Organizer, and the Special Event shall be denied if application of any of the Event Organizer's officers would be denied under the foregoing requirements.<<

## **SECTION VI - PERMIT/AGREEMENT TYPES:**

An Event shall not be eligible for a Special Events Permit if the following criteria are achieved:

- It is an annually recurring Event;
- A significant amount of park acreage must be dedicated for Special Event use, above and beyond the actual duration of the event; and/or
- Capital investment in park infrastructure is required to support the event (i.e. parking lot construction).

If these criteria are met, the Event shall be subject to the applicable bidding and procurement procedures of the County for negotiation of a Lease Agreement and to the applicable provisions of Article [[6]] >>7<< of the Miami-Dade County Charter.

## **SECTION VII - SPECIAL EVENT PERMIT TERMS & CONDITIONS:**

### **• Terms**

Special Event Permits will be issued to the Event Organizer and will cover the subvendors and concessionaires associated with the Event. However, the Department, at its discretion, has the ability to deny permitting to any or all subvendors and concessionaires. All Special Events Permits are issued annually and shall expire at the termination of the Event and may not carry forward to future Events.

### **• Conditions**

Special Events Permits will be issued to only those Event Organizers which require no capital investment in infrastructure to support the Event.

### **• Damage Deposit**

The Event Organizer will be responsible for remitting a damage deposit that will be held by the ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<< until the conclusion of an inspection of the condition of the Park and Recreation Facility where the Special Event was held. This deposit shall be required one day prior to the Event.

- Class "A" Event                      \$5,000.00
- Class "B" Event                      \$3,000.00
- Class "C" Event                      \$1,500.00

This deposit will be returned in full within 14 days after the Event to the Event Organizer if no extraordinary damage to a Facility is determined. If damage is detected, the full cost of repairs will be subtracted from the deposit amount. If the damage exceeds the deposit amount, the Event Organizer will be billed for the remaining costs associated with the repair of the damage.

- **Fee for County Services**

The Event Organizer is required to fully reimburse to the Miami-Dade ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<< for any and all costs borne by the Department>>, including the costs of any criminal background checks required under this IO<<. If any department staff and/or equipment is required to assist to operate or provide maintenance for an event, the Department shall be compensated for the full cost of providing the support. Department staff shall estimate the cost of providing such services, of which a minimum of 50 percent shall be required one day prior to the Event. The remaining balance shall be billed to the Event Organizer and shall be due within 30 days of receipt of invoice.

If the Event Organizer is cited for non-payment of fees for County services, this action may be grounds for termination of the Event and may result in denial of future Special Events Permits.

- **Park Improvement Surcharge**

The Event Organizer will be responsible for remitting a per patron surcharge, the of which shall be evaluated annually and approved by the Department Director, to be reinvested in the Park and Recreation Facility hosting the Special Event to offset higher than customary deterioration of the facility.

- **Waivers**

Any and all waivers of fees or surcharges must be approved by a majority of the Board of County Commissioners members present, and shall be granted only if the Event Organizer can provide evidence that such fees and surcharges exact an undue burden on Event guests.

## **SECTION VIII - REGULATORY AND PUBLIC SAFETY REQUIREMENTS:**

Outside of the ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<<, many other agencies, including regulatory and public safety, require permits for the execution of a Special Event. These agencies set their own requirements and fees. It is the responsibility of the Event Organizer to obtain these permits and to fulfill the requirements of each.

- ~~[[Governmental Services Administration]]~~ >>Internal Services Department<<  
- Risk Management Division >>(or successor department)<<

At a minimum, the following insurance must be obtained prior to the event. Each permit must be submitted to the ~~[[GSA]]~~ >>ISD<< Risk Management Division >>(or successor

department)<< for review on a case-by-case basis.

- Public Liability Insurance with limits between \$300,000 to \$1 million coverage, depending upon event activities. Policy must be endorsed to include Products Liability if food is being served;
- Automobile Liability Insurance in an amount not less than \$300,000 combined single limit covering all owned, non-owned and hired vehicles used in connection with the event;
- Liquor Liability Insurance (if wine and/or beer being served) with limits between \$300,000 to \$1,000,000, depending upon event activities; and
- Miami-Dade County must be named as an additional insured with respect to the event.

- **Security/Police**

The Miami-Dade Police Department or appropriate municipal jurisdiction reviews each event on a case-by-case basis with no specific ratio of sworn personnel to attendees. However, the following supervisor to police officer ratio will be adhered to:

When five to 10 police officers (a squad) are required for an off-regular-duty law enforcement service activity, one police sergeant will be assigned. When three or more squads are required, one police lieutenant will be assigned in addition to the required sergeants. The ratio of police officers, sergeants or lieutenants may be altered based on the circumstances of the activity.

- **Portable Restrooms**

One (1) portable restroom is required for every 200 people; five percent (5%) of the total amount of restrooms brought must be accessible to persons with disabilities; and in the case of only 200 in attendance, at least one (1) of the portable restrooms must be accessible.

- **Solid Waste**

All Class "A" events require a minimum 40-cubic-yard dumpster; or all Class "B" or "C" events require a minimum 20-cubic-yard dumpster.

Requirements may increase based on anticipated attendance. The Park Manager determines placement of all waste disposal containers and trash receptacles. All waste receptacles must be maintained in a manner so as not to overflow.

- **Traffic Flow/Vehicle Parking**

A minimum 10-person team with a supervisor is required for Class "A" events. A minimum 5-person team with a supervisor is required for Class "B" or "C" events.

- **Grounds and Facility Maintenance**

For Class "A" events, a crew of no less than five (5) is required during and after the event,

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which shall increase in proportion to anticipated attendance. For Class "B" and "C" events, a crew of no less than three (3) is required during and after the event.

- **Building Permits**

The following facilities/structures will require permits from the Miami-Dade Building Department or appropriate municipal jurisdiction, in accordance with local, state and federal agencies:

- Tents larger than 120 square feet
- Mechanical amusement rides
- Electrical hook-ups for mechanical amusement rides
- Electrical and Plumbing hook-ups for electrical, potable and sanitary services
- Accessibility for persons with disabilities in accordance with the Florida Accessibility Code

The Event Organizer must submit site plans and architectural drawings to the Building Department for review and permit approval at least 10 working days prior to the date of the Event. Failure to comply may result in the revocation of the Special Event Permit.

- **Zoning Permits**

The Event Organizer also must submit its Special Events Application and any applicable site plans and architectural drawings to the Miami-Dade County ~~[[Department of Planning and Zoning]]~~ >>Regulatory and Economic Resources Department – Development Services/Zoning (or successor department)<< or appropriate municipal jurisdiction for review to determine the issuance of a Zoning Use Permit. Written waivers of objections from property owners may be required for certain circus and carnival events planned within unincorporated Miami-Dade County (it is advisable that Event Organizers contact the Zoning Plans Processing Section at (305) 375-2650 for detailed information on this requirement). All of the above information must be submitted at least 10 working days prior to the date of the Special Event. Failure to comply may result in the revocation of the Special Event Permit.

- **Miami-Dade County ~~[[Department]]~~ of Environmental Resources Management (DERM) Permits >>(or successor department)<<**

The following cases will require review and permits from DERM:

- Fuel storage and disbursement;
- Compliance with Wellfield Protection Area restrictions;
- Waste water disposal:
- Recreation Vehicle (RV) waste water disposal;
- Temporary installations in parks located in coastal areas; or
- Aquatic events in tidal waters.

- **State of Florida**

All food service concessions and restroom facilities must meet State of Florida requirements. Temporary permits for food service concessions must be obtained prior to the Event. For an Event no more than two days in length, the permit must be obtained from the State Department of Health. For Events lasting more than two days, permits must be obtained from the State Department of Business and Professional Regulation. The sale/service of alcohol is restricted to only wine and/or beer. The ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<< will determine the appropriateness of alcohol service for the event. If wine and/or beer is being served, a temporary Alcoholic Beverage Permit must be issued by the State of Florida, Division of Alcohol, Tobacco and Firearms. Only not-for-profit civic organizations can be issued these temporary permits.

- **Fire/Rescue**

A minimum of two (2) fire and life safety inspections are required by Miami-Dade Fire/Rescue or the appropriate municipal jurisdiction prior to the Event date. A fire and life safety inspection is required once the Special Event is underway. Fire/Rescue will review applications on a case-by-case basis to determine the number of staff required for patron rescue/response.

#### **SECTION IX - PERFORMANCE EVALUATION:**

Within 14 days following the closing of a Special Event, the Park Manager of the site in which the event was hosted shall file a Performance Evaluation with the Special Events Coordinator. This Performance Evaluation will contribute to future evaluations of applications filed by the respective event organizer. Criteria for evaluation minimally will include:

- Adherence to all rules and regulations associated with this ~~[[AO]]~~ >>IO<< and the Miami-Dade County Code;
- Adherence to the information provided in the event organizer's application;
- Impact on the park property and surrounding land uses;
- Sensitivity to park's cultural, environmental and historic resources;
- Enhancement to tourism, economic development and quality of life; and
- Cooperation with department staff.

If the evaluation is unfavorable, the Event Organizer will be notified in writing by the department of the factors contributing to an unfavorable rating and the possibility of future application denial. The Event Organizer shall be given the opportunity to respond to an unfavorable evaluation. Any disputes occurring between the Event Organizer and the Park Manager regarding the evaluation shall be resolved by the Miami-Dade ~~[[Park and Recreation]]~~ >>Parks, Recreation and Open Spaces<< Department >>(or successor department)<< Director, whose decision shall be final.

This ~~[[AO]]~~ >>IO<< is hereby submitted to the Board of County Commissioners of Miami-Dade County Florida.

>>Approved as to form and legal sufficiency by the County Attorney:<<

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[[M. R. Stierheim]]  
[[County Manager]]