



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.5.

3/22/2022

Subject:

Employee Fee Discount(s)

Fiscal Impact:

Unknown at this time, but will be monitored and reviewed annually

Dept/Office:

District 3 County Commission Office

Requested Action:

Board consideration and approval of the proposed Board Policy and amendment(s) to Resolution 16-152 (Parks and Recreation Department Fee Schedule- Exhibit A).

Summary Explanation and Background:

- Provide a policy authorizing and outlining parameters for a County employee fee discount(s).
- Setup guidelines of the policy provide for limitations and exclusions, as well as direction to staff regarding implementation.
- Requires fiscal tracking and a report after 1 year

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

March 23, 2022

MEMORANDUM

TO: Mary Ellen Donner, Parks and Recreation Director


RE: Item J.5. Resolution Amendment(s) to Resolution 16-152, Parks and Recreation Department Fee Schedule

The Board of County Commissioners, in regular session on March 22, 2022, executed and adopted Resolution No. 22-030, adding Employee to Category II of the Parks and Recreation Department Fee Schedule, Exhibit A, amending Resolution No. 16-152, pursuant to the provisions of Chapter 78, Parks and Recreation, Code of Ordinances of Brevard County; establishing the schedule of fees, establishing the rules and use policy, charges and the manner of collection of fees and charges for Brevard County Parks and Recreation facilities; repealing the prior schedule of fees and charges; providing for severability; and providing an effective date. Enclosed is a fully-executed Resolution.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


for Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

cc: Each Commissioner
County Manager
Finance
Budget



March 23, 2022

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item J.5. Board Policy – Employee Fee Discount(s)

The Board of County Commissioners, in regular session on March 22, 2022, executed and approved the proposed Board Policy – Employee Fee Discount(s). Enclosed is the fully-executed Policy.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Donna Scott
Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

cc: Each Commissioner
Finance
Budget



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC# ____
Cancels: N/A
Approved: March 22, 2022
Originator: Parks and Recreation
Review: March 22, 2023

TITLE: Employee Fee Discount(s)

I. Objective

To provide a policy authorizing and outlining parameters for a County employee fee discount(s). This policy provides guidelines via limitations and exclusions, as well as direction to staff regarding implementation.

II. References

- A. Resolution 16-152 (Parks and Recreation- Fee Schedule)
- B. Memo "Employee Discount Plan" dated March 10, 2022

III. Definitions

- A. County Employee Fee Discount— A discount provided to those legally employed by the County at the time the benefit is conveyed and corresponding to the rates established in the "PRDFS."
- B. Ancillary Costs— Any costs that are not included in the flat rate (daily or hourly). This specifically applies to those listed in the "Deposits and Fees" section of the PRDFS, including but not limited to, charges for staffing, transportation, and deposits.
- C. Recreation Partners— Any sanctioned group or organization that has a current Recreation Partner agreement with Brevard County Board of County Commissioners.

IV. Directives

- A. The Parks and Recreation Department, in conjunction with any other relevant Department, shall develop reasonably necessary procedures to implement the Employee Fee Discount in accordance with the objectives contained herein. The employee fee discount shall be limited to an annual savings of a maximum of \$500 per employee per year.
- B. Since Recreation Partners already receive the same discount, the Board

urges staff to utilize any existing procedures, if deemed to be appropriate under the circumstances.

- C. This policy shall be in accordance with the "Brevard County Parks and Recreation Department Fee Schedule Exhibit A (PRDFS)," contained in Resolution. Category II of PRDFS shall include "County Employees," providing for a 50% discount.
- D. The 50% employee fee discount shall exclude fines, ancillary costs, and County Commissioners.
- E. Staff shall monitor any fiscal impact and bring this matter back to the Board for a comprehensive review after one (1) year from the date of the implementation of this policy (The PRDFS attached to this Board Policy for reference).

V. Reservation of Authority

The authority to issue and/or revise this policy is reserved to the Board of County Commissioners.



Kristine Zonka, Chair

Board of County Commissioners

As approved by the Board on March 22, 2022

ATTEST:



RACHEL M. SADOFF, CLERK

RESOLUTION NO. 22 – 030

A RESOLUTION AMENDING RESOLUTION NO. 16-152, PURSUANT TO THE PROVISIONS OF CHAPTER 78, PARKS AND RECREATION, CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; ESTABLISHING THE SCHEDULE OF FEES, ESTABLISHING THE RULES AND USE POLICY, CHARGES AND THE MANNER OF COLLECTION OF FEES AND CHARGES FOR BREVARD COUNTY PARKS AND RECREATION FACILITIES; REPEALING THE PRIOR SCHEDULE OF FEES AND CHARGES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 78, Code of Ordinances of Brevard County, Florida, authorizes the Board of County Commissioners to adopt rules governing the use of parks and recreation facilities and equipment owned, leased, operated or maintained by Brevard County and to establish a schedule of fees and charges for such facilities and equipment;

WHEREAS, said Chapter authorizes the establishment of a schedule of fees and charges and a manner of collection of fees and charges for use of equipment, personal property, and parks facilities; and

WHEREAS, the Board of County Commissioners finds that the rules, fees and charges hereinafter set forth are necessary for the safe and orderly operation and maintenance of the Brevard County Parks and Recreation Department.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Section 1. Adoption of Fee Schedule and Rules and Use Policy. The "Fee Schedule" attached hereto as Exhibit "A" and the "Rules and Use Policy" attached hereto as Exhibit "B" and incorporated fully herein by this reference, is hereby established and adopted for the parks and recreation facilities and equipment owned, leased, operated or maintained by the Brevard County Parks and Recreation Department (hereinafter "Department"), excluding golf course

facilities.

Section 2. Collection of Fees and Charges. All fees and charges shall be collected by the Department, where required by this resolution, and shall be received in full upon demand prior to the provision of facilities and/or services.

Section. 3. Revision of Schedule of Fees and Rules and Use Policy. The schedule of fees as established in Exhibit "A" and the Rules and Use Policy established as Exhibit "B" may be amended or repealed, in whole or in part, by resolution of the Board of County Commissioners, as required for the economical, orderly and efficient provision of such facilities and services.

Section 4. Prior Fee Schedules and Rules and Use Policy Repealed. The "Fee Schedule" established as Exhibit "A" and the "Rules and Use Policy" established as Exhibit "B" shall repeal and replace any existing or prior Schedule of Fees or Rules and Use Policy in effect for the parks and recreation facilities owned, leased, operated or maintained by the Department, excluding golf course facilities.

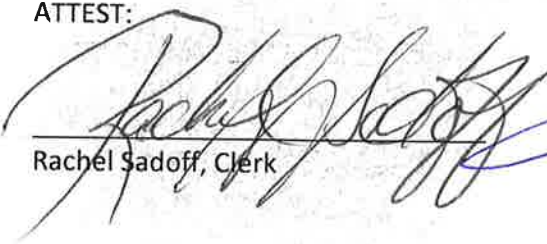
Section 5. Public Record. A certified copy of this Resolution shall be filed with the Clerk to the Board of County Commissioners of Brevard County, Florida, and shall constitute a public record.

Section 6. Severability. If any section, paragraph, sentence, clause, phrase or word of this resolution is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this resolution.

Section 7. Effective Date. This Resolution shall take effect on March 22, 2022.

DONE, ORDERED AND ADOPTED, in regular session, this 22nd day of March, 2022.

ATTEST:


Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


Kristine Zonka, Chair

As approved by the Board on: 3/22/22



**BREVARD
COUNTY
PARKS AND
RECREATION
DEPARTMENT FEE
SCHEDULE**



EXHIBIT A

The following schedule of fees is established. Applicable sales and use tax shall apply unless indicated the tax is included in the rate listed in the schedule.

Rental fees are based on the capacity of the event and the category classification of the individual, group and/or organization utilizing the facility. Hourly fees shall be prorated in half-hour increments only, unless a minimum is specified.

The renter is responsible for obtaining all applicable permits, licenses, and insurance and shall comply with all applicable laws and regulations. Direct costs may include, but are not limited to, employee fees, and mileage. Employee fees (based on actual attendance) shall be assessed for any additional employees required over and above that which is normally provided in order to augment existing park resources. This fee shall be payable at \$25.00 per hour for each employee utilized or overtime at \$37.50 per hour for holidays and when the rental is confirmed with less than 7 calendar days of notice.

The Director or designee may approve a negotiated fee for commercial use plus direct costs allowing the Department to remain competitive in the current market compared to other local agencies who allow commercial activities.

CATEGORY CLASSIFICATIONS

Category I	Sponsored/Co-sponsored.....	No Charge
Category II	Recreation Partner/ <u>Employee</u>	50% of rental fee
Category III	Non-Profit/Not for Profit.....	75% of rental fee
Category IV	Private/Non-commercial	100% of rental fee
Category V	Public Issue Speech.....	100% of rental fee
	Commercial	Negotiated fee

OUTDOOR RENTALS

Shelters, Pavilions, Open Spaces, & Group Areas

Facility	Capacity	Daily Fee	Deposit (refundable)
Family	Up to 25	\$25.30	\$25.00

Small	26-50	\$45.55	\$75.00
Medium	51-100	\$65.80	\$125.00
Medium w/kitchen	51-100	\$86.04	\$125.00
Large	101-200	\$151.85	\$200.00
Open Areas	201-999	\$253.08	\$400.00

REGIONAL PAVILIONS Does not include employee fee.			
Facility	Capacity	Daily Fee	Deposit (refundable)
Kiwanis Island	750	\$253.08	\$400.00
Sand Point	750	\$253.08	\$400.00
F. Burton Smith	1,000	\$303.70	\$400.00
Fox Lake	1,000	\$303.70	\$400.00
Wickham	1,000	\$607.40	\$400.00
Kitchen		\$101.23	\$100.00

SPECIAL EVENT RENTALS FOR EXCLUSIVE USE OF PARK Exclusive Use Package includes employee(s) based on attendance for up to a maximum of 8 hours. For events extending past the 8 hour maximum an hourly employee fee shall be assessed.		
Attendance (per day)	Daily Fee	Deposit (refundable)
Up to 1,000	\$1,518.51	\$750.00
1,001 – 3,000	\$3,037.02	\$1,500.00
3,001 – 5,000	\$5,061.70	\$2,500.00
5,001+	Negotiated	Negotiated

INDOOR FACILITIES & GYMS			
Facility	Capacity	Hourly Fee	Deposit (refundable)
Small Room	Up to 25	\$20.24	\$25.00
Medium Room	26-50	\$30.37	\$75.00
Large Room	51+	\$45.55	\$100.00
Single Gym		\$50.61	\$200.00
Double Gym		\$60.74	\$200.00
Kitchen		\$101.23 (daily)	\$100.00

**CRANDALL J. WARREN BUILDING
CUYLER COMMUNITY CENTER**

Daily Fee for residents and businesses located within the Neighborhood Strategy Area (NSA) shall be \$151.85 for up to 8 hours which includes the facility, kitchen and staff between the hours of 10:00 a.m. and midnight.

Additional hours exceeding the 8 hour time frame, scheduled in advance, will be charged at \$20.24 per hour. A fully refundable clean-up/damage deposit of \$200 will be required.

HARRY T. & HARRIETTE V. MOORE CULTURAL CENTER

Facility	Hourly Fee	Daily Fee	Deposit (refundable)
Meeting Room	\$45.55	NA	\$100.00
Gazebo	NA	\$65.80	\$100.00
Pavilion	NA	\$86.04	\$200.00
Pavilion and Kitchen	NA	\$106.29	\$200.00

**RIVER'S EDGE EVENT CENTER TOM
STATHAM PARK**

River's Edge Event Center	Hourly Fee	Daily Fee	Deposit (refundable)
Weekdays	\$75.00	\$600.00	\$250.00
Weekends	NA	\$1,000.00	\$250.00

EQUESTRIAN FACILITIES

MANATEE COVE

Ring	\$151.85 daily
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WICKHAM

Ring with Announcer Stand	\$253.08 daily
Lights	\$20.24 per ring hourly (non-taxable)

RECREATIONAL CAMPING SITES		
Campers may change their site based on availability and to achieve maximum utilization of the park at no charge.		
Campground	Daily	30 Days
Long Point	\$28.34	\$850.20
Manatee Hammock	\$26.32	\$561.60
Wickham	\$21.25	\$540.30
Youth Camping is available at all locations \$5.00 per person per day – minimum of 10 campers.		

AQUATICS	
PUBLIC SWIM DAILY ADMISSION	
Fees include tax.	
Daily Admission	\$2.00/person ages 2 years & up
12 Visit Pass	\$20.24
POOL RENTAL	
Rental Rate	\$50.61 per hour Minimum of 2 hours
Hourly Staff Up to 25 participants = 2 guards minimum 26-75 participants = 3 guards minimum 76 participants or more = 4 guards minimum	\$25.00 per hour per Lifeguard (non-taxable)
LEARN TO SWIM	
Fees are non-taxable.	
Levels 1-6 and Adult (8 classes)	\$45.55
Preschool & Parent/Tot (8 classes)	\$35.43
Private Lessons (30 minutes)	\$25.30
BREVARD COUNTY PARKS & RECREATION SWIM TEAM	
Fees are non-taxable.	
First Child	\$91.11
Each Additional Child	\$60.74

ATHLETICS Discounts do not apply to athletic courts or athletic fields.		
ATHLETIC COURTS		
Court Type	Hourly	Hourly With Lights
Hard Court	\$4.04	\$8.09
Clay Court	\$5.06	\$10.12
ATHLETIC FIELDS		
Hourly	Daily	Light Fee
\$15.18	\$101.23	\$30.36 per hour (\$15.18 per hour for Recreation Partners)

SUMMER CAMPS Fees are non-taxable.		
DAY CAMP PROGRAMS 7:00 a.m. – 6:00 p.m.		
	Daily	Weekly
First Child	\$30.37	\$91.10
Each Additional Child	\$30.37	\$80.95

SPECIALTY CAMP PROGRAMS		
Per Child	Weekly 9:00 a.m. – 4:00 p.m.	\$101.23
Per Child	Weekly 7:00 a.m. – 6:00 p.m.	\$126.54

MISCELLANEOUS FEES	
Electricity	\$15.18 per day (non-taxable)
Space or table rental under pavilion or indoors	\$35.43 per day
Space or table rental outside area	\$25.30 per day
Water slides, Dunk tanks, Inflatables and water specific structures	\$40.49 per day (non-taxable)

	SPECIAL EVENT EQUIPMENT			
	Commercial	Private (non-commercial)	Non-Profit and Not for Profit	Direct Cost (non- negotiable and non-taxable)
STAGE *	Negotiated Fee	\$911.10	\$607.40	\$303.70
TENT	Negotiated Fee	\$809.87	\$506.17	\$202.46
*Rental fee includes employee fees for transporting the stage to and from the event, stage set-up, securing the stage, monitoring the safe operation of the stage and break down of the stage.				

DEPOSITS AND FEES

Fees, discounts, or special prices for activities, transportation and camping may be established or waived from time to time by the Department director or designee. Book programs (i.e. Historical and Cultural programs) which include book and painting sales and author signings may be approved by the Parks and Recreation Director or designee. All fees may be adjusted annually to reflect the percentage change in the consumer price index (CPI-U).

Application for Refund: Rentals and/or activities cancelled due to inclement weather will be rescheduled whenever possible. If a refund request is received less than 7 days prior to scheduled date of use, the reservation fee will be forfeited. A minimum of 3 hours for employee fees may be assessed for rainouts. A processing fee of \$20.00 will be assessed for each application for refund submitted. Multiple day rentals may be pro-rated due to inclement weather. Department initiated refunds will be returned in full.

Cleanup/Damage Deposit: The user shall be responsible for all costs associated with damages to park facilities, equipment, furnishings and grounds. A cleanup/damage deposit, based on size of group, shall be required from the individual, group, and/or organization applying to reserve or use a facility prior to such use.

This deposit will be refunded upon verification by the Department that the facility has been returned to a condition similar to that prior to use. If the facility is not returned to its condition prior to use all costs associated with returning the facility to prior condition will be assessed to the renter. These costs shall include the employee charges, materials, and equipment required to complete repairs. A violation of any rule or regulation, or a material misrepresentation by an individual, group, and/or organization will result in forfeiture of the full deposit.

An additional deposit shall be assessed when furnishings not normally provided in a facility are requested. The amount of the furnishings deposit shall be based on a fee of \$30.00 or thirty percent (30%) of the current market value of furnishings provided, whichever is greater. The deposit will be returned after use, providing no damage was incurred.

Contracted Recreation Instructors: Instructors shall pay to the County, a sum equal to twenty-five percent (25%) of the gross registration fees received. The Department Director or Area Manager may elect to collect fees and then pay the contracted Recreation Instructor a negotiated percentage of the collected fees.

Contracted Services and/or Vendors: Contracted services and/or vendors may be secured as necessary for Department sponsored events. Vendors shall be charged a flat fee as determined based on the event. Vendors are responsible for obtaining all applicable permits, licenses and insurance. The vendor shall comply with all applicable laws and regulations.

Direct Costs: Direct costs shall be assessed as established by the Parks & Recreation Department Director or designee and/or outlined or referenced by this fee schedule.

Employee Fees: Employee fees shall be payable at \$25.00 per hour for each employee utilized or overtime at \$37.50 per hour for holidays and when the rental is confirmed with less than 7 calendar days of notice. Employee fees shall be assessed for any additional employees required over and above that which is normally provided. Employees are required for any indoor or outdoor rental with anticipated attendance of 201 or more attendees plus one additional employee for every 500 additional in attendance. The employee fee for indoor facilities is assessed when requested event time is other than normal operating hours and/or as required by anticipated attendance. The Department reserves the right to determine the number of employees based on the proposed activity. If no employee fee is assessed, access to indoor facilities without an employee requires department approval and a key deposit.

Fee Waivers: Fees may be waived for business conducted by Non-Profit, Not for Profit, or by contractual agreement. Areas in park facilities may be designated for this use. There are no waivers of general comprehensive liability insurance for softball tournaments.

The appeal process for refusal or revocation of a permit is outlined in Chapter 78, Section 78-82, Code of Ordinances of Brevard County.

Key Deposits: If the issuance of a key is required for use of a facility, a deposit of \$20.00 shall be assessed. The deposit must be paid when the key is issued. The key must be returned at the close of the scheduled use, or next business day, and the deposit will be returned at the time of receipt of the key. If the key is lost, the user will be responsible for all costs associated with replacement of the key, plus any damages resulting from loss of key. These costs shall include the employee fees, materials, and equipment required to replace the key and/or lock and complete repairs.

Neighborhood Strategy Areas: Residents of identified neighborhood strategy areas shall receive a 50% reduction to rentals and department sponsored program fees for facilities located within neighborhood strategy areas in which they reside; proof of residency is required. Non-Profit Organizations in identified neighborhood strategy areas shall receive a 50% reduction to rental fees for facilities located within neighborhood strategy areas in which they operate; proof of address is required. There will be no stacking of discounts for Non-Profit Organizations.

Reservation Fees: Fifty percent (50%) of the total rental cost, except for tournament deposits, shall be assessed for all facilities which require reservations and must be paid within two (2) working days of the initial request. This fee applies to the total cost of rental. If the reservation is canceled by the user within 7 calendar days of the scheduled use, the reservation fee, which is fifty percent (50%) of the total rental cost and includes costs associated with processing, is automatically forfeited. All fees must be paid in full 72 hours prior to facility rentals.

Sanitation Fees: When the Department determines facilities are not adequate to meet sanitary needs users must provide additional sanitary facilities (i.e. dumpster, trash receptacle, port-o-let, etc.).

Set-Up Fees: Rental does not include employee fee for set-up or take-down. A minimum of one hour set-up fee and one hour take-down fee shall be charged at the employee fee as defined in the fee schedule for activities requiring such unless otherwise stated in the established fee.

Transportation: Direct cost to Brevard shall be based on \$25.00/hour and current mileage reimbursement rate approved by the Board of County Commissioners; or the direct cost of a contracted transportation service.



**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.

Approved by the Board of County Commissioners September 20, 2016
Effective October 1, 2016

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 may be 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

- I. 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.