

Item # 60

ADDITIONAL MATERIAL

Public Hearing

APRIL 10, 2018

SUBMITTED AT THE REQUEST OF

COMMISSIONER STEVE GELLER

1 WHEREAS, the Board desires to enact regulations relating to use of park
2 property including, but not limited to, the requirement to obtain written authorization from
3 the County prior to engaging in any advertised commercial recreational instructional
4 activity on County park property, as described herein; and

5 WHEREAS, the Board finds that the County has a substantial governmental
6 interest in regulating commercial recreational instructional activities that are conducted
7 in County parks and protecting the public from injuries that may result from any such
8 activities conducted in County parks; and

9 WHEREAS, the Board finds that regulating the provision of commercial
10 recreational instructional activities within County parks provides for the maximum
11 enjoyment of such public park resources by the general public, while protecting the
12 public and preserving such park resources; and

13 WHEREAS, the Board desires to enact regulations establishing a permitting
14 process for activities and events within County parks and facilities that require prior
15 authorization from the County including, but not limited to, establishing requirements
16 and procedures for applications for permits, permit approvals, denials, suspensions, and
17 revocations, and appeals from any such denials, suspensions, or revocations; and

18 WHEREAS, the Board finds that amending the Broward County Code of
19 Ordinances as provided herein is in the best interest of the health, safety, and welfare of
20 the residents in Broward County,

21
22 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
23 BROWARD COUNTY, FLORIDA:

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Coding: Words in ~~struck-through~~ type are proposed deletions from existing text
by Commissioner Geller. Words in underscoring type are proposed
additions by Commissioner Geller.

1 and waterways. The terms "park" or "parks" shall refer to such County lands described
2 herein and include all areas or lands whether or not wholly or partially developed.

3 . . .

4 Designated Representative: Any Division employee designated by the Director
5 in accordance with authority under this article to act on behalf of the Director and
6 Broward County.

7 . . .

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9 Section 2. Section 25½-13 of the Broward County Code of Ordinances is
10 hereby created to read as follows:

11 [Underlining omitted]

12 **Sec. 25½-13. Use of park property for commercial recreational instructional**
13 **activities.**

14 (a) *Definitions.* For purposes of this section, the following terms shall have
15 the meanings indicated.

16 (1) Advertised means the promotion of any instructional activity in any
17 newspaper or magazine; over any broadcast media; through any internet
18 posting or communication including on any dedicated website or social
19 media site; through the use of billboards, other signage, or pop-up
20 electronic displays; or through the distribution of any coupon offerings,
21 handbills, or flyers.

22 ~~(1)~~ (2) *Instructional activity:* Any advertised commercial class, lesson, or other
23 recreational activity conducted by an Instructor on park property.

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Instructor: Any person that provides any instructional activity on park property in exchange for any form of compensation, including donations, or that otherwise provides such instructional activity directly or indirectly in connection with any business engaged in instruction. The definition of Instructor does not include any person providing instructional activities as part of a Division-operated or Division-sponsored recreational or educational program.

8 ~~3~~ ~~4~~

Permit: Any written authorization issued by the Director or a Designated Representative in accordance with authority under this section, which grants permission to the permit holder to engage in a specified instructional activity on designated park property for up to one (1) year. The definition of permit does not include Recreation/Instruction Agreements.

14 ~~4~~ ~~5~~

Recreation/Instruction Agreement: Any agreement executed by the Director, pursuant to authority granted by the County, and an Instructor that grants permission to the Instructor to use designated park property for up to one (1) year, during specific periods of time, for any County-authorized instructional activity that provides for the County to register the participants, collect the activity fees, and receive a portion of the monies collected from such activity.

(b) Instructional activities on park property shall be conducted only pursuant to the following:

- (1) A permit issued by the Director or a Designated Representative in accordance with the authority and requirements of this section;

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