

PROPOSED

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO BROWARD COUNTY PARKS SYSTEM FEES;
3 REPEALING PART VI OF CHAPTER 33, INCLUDING SECTIONS 33.50 THROUGH
4 33.57, OF THE BROWARD COUNTY ADMINISTRATIVE CODE (“ADMINISTRATIVE
5 CODE”); AMENDING SECTIONS 37.32 THROUGH 37.36 OF THE ADMINISTRATIVE
6 CODE RELATING TO PARKS SYSTEM FEES; AND PROVIDING FOR SEVERABILITY,
7 INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

8
9 WHEREAS, the Broward County Parks and Recreation Division (“Division”)
10 charges various fees for the programs and services of Broward County’s parks system
11 (“Fee Schedule”);

12 WHEREAS, the Division updates the Fee Schedule periodically as reasonable and
13 necessary, based upon changes in services and an annual determination of reasonable
14 fees; and

15 WHEREAS, the Broward County Board of County Commissioners desires to
16 consolidate the applicable provisions regarding the Fee Schedule into a single chapter of
17 the Broward County Administrative Code, NOW, THEREFORE,

18 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
19 BROWARD COUNTY, FLORIDA:

20 Section 1. Part VI of Chapter 33 and Sections 33.50 through 33.57 of the
21 Broward County Administrative Code are hereby repealed in their entirety.

22 Section 2. Sections 37.32 through 37.36 of the Broward County Administrative
23 Code are hereby amended to read as follows:

24 **37.32. General.**

25 The Board of County Commissioners (“Board”) of Broward County, Florida
26 (“County”), finds that it is appropriate to charge certain fees to members of the public who
27 use the various goods, services, and activities made available through the County’s parks
28 system to offset costs associated with providing such programs and services. Further, the
29 Board finds that it is in the best interest of the County for the Broward County Parks and
30 Recreation Division (“Division”) to be able to set and modify the applicable fees and
31 procedures relating thereto as may be appropriate based on various factors, including
32 without limitation rates charged by comparable park systems, the then-current market
33 value of the applicable good, service, or activity, program objectives, and the purpose
34 and directives of the Division.

35 **37.33. Setting, Modifying, Publishing, and Reporting of Fees.**

36 a. *Annual setting of fees.* The Division shall annually review all fees charged
37 by the Division. If the Division determines during the annual review that certain fees
38 should be modified, the Division shall publish a list of all fees, including the modifications
39 proposed by the Division (collectively, “Proposed Fee Schedule”), and hold a public
40 meeting seeking to obtain public feedback and comment. After the public meeting, the
41 Director of the Division (“Division Director”) shall submit the Proposed Fee Schedule to
42 the Board for approval. If approved by the Board, the Proposed Fee Schedule shall

43 become effective 30 calendar days after approval by the Board, or upon such other date
44 stated in the Proposed Fee Schedule or as established by the Board, and shall be
45 published by the Division on its official website.

46 b. *Fee modifications.* If the Division wishes to modify ~~any fees~~ the approved
47 fee schedule outside of the normal annual cycle, including to establish new fees or
48 eliminate existing fees, the Division Director shall submit a memorandum to the County
49 Administrator with the requested modification, the proposed effective date, and the
50 Division's rationale for the requested modification, and provide a simultaneous copy to
51 the Board. If approved in writing by the County Administrator, the requested modifications
52 shall become effective on the date stated in the memorandum submitted to the County
53 Administrator for approval (or 30 calendar days after written approval by the County
54 Administrator if no effective date is stated in the memorandum). In addition to the
55 foregoing, the Division Director may, not more than once a year for any fee, approve
56 minor fee modifications, limited to fee changes that do not exceed the lesser of 25% of
57 the then-current fee or \$100, to address market or operational fluctuations. All fee
58 modifications approved pursuant to this section shall be promptly published by the
59 Division on its official website.

60 c. *Pilot and trial program fees.* The Division Director is authorized to establish
61 and set fees for new items, services, or programs on a pilot or trial basis, which shall not
62 exceed a period of one year. In establishing such fees, the Division Director shall consider
63 factors such as the cost of acquisition and operation, market demand, and any applicable
64 regulations or policies. All active pilot or trial fees authorized by the Division Director shall
65 be published by the Division on its official website. After the expiration of the pilot or trial

66 period, the continuation of any such fees shall require approval pursuant to
67 Section ~~37.33(a)~~ 37.33.a. or ~~(b)~~ b.

68 **37.34. Fee Types.**

69 a. *Authorized fees.* The Division is authorized to establish ~~the following~~ fees,
70 in accordance with the procedures stated in Section 37.33, for any park operated or
71 managed by the Division (“County Park”); including, but not limited to, admission fees,
72 parking fees, site usage fees, equipment rental fees, permit fees, park program fees,
73 sports league fees, security deposits, membership fees, application fees, cancellation or
74 transfer fees, and dishonored payment fees.

- 75 1. ~~Admission fees and parking fees;~~
- 76 2. ~~Rental fees and usage fees for athletic facilities (e.g., leagues, field~~
77 ~~preparation, lighting, etc.);~~
- 78 3. ~~Fitness center and velodrome access and usage fees;~~
- 79 4. ~~Canoe, paddleboat, kayak, and other similar boat rental fees;~~
- 80 5. ~~Camping and recreational vehicle site usage fees and other related fees~~
81 ~~(e.g., laundry facilities, dump station use, etc.);~~
- 82 6. ~~Park facility permit fees and other related usage fees (e.g., use of a hall,~~
83 ~~pavilion, clubhouse, meeting room, amphitheater, patio area, cabin,~~
84 ~~funbrella, classroom, community center, picnic shelter, etc.);~~
- 85 7. ~~Equestrian, horseback riding, and horse stable access fees and other~~
86 ~~related usage fees;~~
- 87 8. ~~Summer and other camp program fees;~~
- 88 9. ~~Stadium permit fees and other related stadium facility usage fees;~~

- 89 ~~10. Special event permit fees and other related special event fees (e.g., fees~~
90 ~~associated with the sale of food, beverage, and/or merchandise);~~
- 91 ~~11. Security deposits for facility rental or use, equipment rental or use, or for the~~
92 ~~rental of space for recreational vehicles;~~
- 93 ~~12. Alcoholic beverage sales fees;~~
- 94 ~~13. Locker rental fees and other related usage fees (e.g., fees for lost locker~~
95 ~~keys, etc.);~~
- 96 ~~14. Target range access fees, target range equipment rental fees, and fees for~~
97 ~~the sale of related items (e.g., targets, ammunition, etc.);~~
- 98 ~~15. Equipment rental fees (e.g., bleachers, tents, tables, chairs, bounce~~
99 ~~houses, light towers, traffic cones, and sports equipment);~~
- 100 ~~16. Program, class, lesson, and tour fees;~~
- 101 ~~17. Mountain bike trail access and usage fees;~~
- 102 ~~18. Water activities and facilities access and usage fees (e.g., water parks,~~
103 ~~pools, etc.);~~
- 104 ~~19. Dog park access and membership fees;~~
- 105 ~~20. Membership card fees (including for replacement cards);~~
- 106 ~~21. Vendor application and permit fees;~~
- 107 ~~22. Other miscellaneous fees in effect as of October 1, 2023 (e.g., flooring~~
108 ~~rental, lighting, commercial advertising banner/signage, road course usage,~~
109 ~~etc.); and~~
- 110 ~~23. Cancellation and transfer fees.~~

Coding: Words stricken are deletions from existing text. Words underlined are additions to existing text.

111 b. *Concession and resale pricing.* The Division Director has the authority to
112 establish pricing and fees for retail, food, and other items for sale or resale at County
113 Parks, whether sold directly or by a concession operator, normally associated with the
114 operation of a park system and not otherwise ~~listed~~ provided for in Section ~~37.34(a)~~
115 37.34.a. Fees and pricing for these ~~sale and resale~~ items for sale and resale shall not be
116 subject to the process stated in Section 37.33 and shall instead be established directly
117 by the Division Director. In establishing such fees, the Division Director shall consider
118 factors such as the cost of acquisition and operation, market demand, and any applicable
119 regulations or policies. Unless otherwise provided in the applicable concession
120 agreement, such fees shall be reviewed annually and may be adjusted by the Division
121 Director to reflect changes in costs, market conditions, or other relevant factors.

122 c. *Additional fees or charges.* Certain additional fees or charges may be
123 imposed, payable to the County or to other entities in connection with the use of County
124 Parks ~~or their~~, the use of County Park facilities, or a County program, such as costs for
125 security, police, and related services; trash dumpster use; scoreboard operation; pass-
126 through fees; and staff labor. The Division Director or designee may determine and
127 impose such additional fees or charges on a case-by-case basis, based on applicable
128 factors including the nature, size, and type of the applicable use, event, activity, or
129 program, and such fees or charges shall be specifically stated in the operative agreement,
130 permit, or other documentation associated with the particular use.

131 d. *Sales Applicable tax.* Sales tax or other applicable taxes (each, a “tax”) shall
132 be charged on all fees unless exempt under Florida law. For fees that are subject to ~~sales~~
133 any tax, the tax amount ~~of sales tax~~ shall be separately stated on the receipt issued by

134 the Division. Security deposits are exempt from sales tax when collected; however, if
135 forfeited to the County, security deposits are subject to sales tax.

136 **37.35. Fee Waivers and Discounts.**

137 a. *Waiver of fees for County-sponsored or County-hosted events.* Except as
138 provided herein, the Division Director may waive any or all fees for programs or events
139 sponsored ~~or~~ cosponsored, or cohosted by the Division or by any other County agency.
140 Unless expressly permitted in the applicable concession agreement, the Division Director
141 is not authorized to waive fees charged by a County-approved concessionaire operating
142 a park facility or amenity.

143 . . .

144 c. *County employee discounts.*

145 1. The Division Director may provide discounts or waivers in amounts up to
146 100% of the fees charged by the Division for ~~County~~ Division employees as
147 part of an established employee recognition program, up to an aggregate
148 total amount, inclusive of all Division employees and all Division recognition
149 programs, of ~~\$2,500~~ \$5,000 per fiscal year.

150 2. The Division Director may provide discounts or waivers in amounts of up to
151 50% of the fees charged by the Division for any County employee as part
152 of a promotional program approved by the Director.

153 3. Any additional discounts to County employees ~~over this aggregate amount~~
154 not otherwise provided in this Section 37.35.c. require advance written
155 approval by the County Administrator; the County Administrator is

156 authorized to approve any such additional discounts to the extent the
157 County Administrator determines is in the best interest of the County.

158 d. *Division-approved marketing campaigns.* The Division Director may provide
159 promotional discounts or waivers of fees charged by the Division as part of a County-
160 approved marketing campaign, up to an aggregate total amount of ~~\$1,000~~ \$10,000 per
161 fiscal year. Any additional discounts or waivers in connection with County-approved
162 marketing campaigns require advance written approval by the County Administrator; the
163 County Administrator is authorized to approve any such additional discounts or waivers
164 to the extent the County Administrator determines is in the best interest of the County.

165 . . .

166 **37.36. Method of Payment; Dishonored Payments.**

167 The Division Director shall establish acceptable methods of payment for all fees
168 authorized under this Part IV, including cash, ~~credit~~ payment card, and check payments.
169 Any fees paid by check in an amount of \$2,500 or more must be paid by certified check
170 payable to Broward County. Dishonored payments shall be subject to the fees stated in
171 Section 35.3 of the Broward County Administrative Code or as otherwise set forth in the
172 Division's approved fee schedule. If any payment is dishonored, the person or
173 organization responsible for the payment may be prohibited from further payments by
174 check or payment card until all fees owed, including fees assessed for the dishonored
175 check or the payment card purchase, are fully paid by money order, certified bank check,
176 or cash.

177 Section 3. Severability.

178 If any portion of this Administrative Code Resolution is determined by any court to
179 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
180 of the remainder of this Administrative Code Resolution. If any court determines that this
181 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
182 individual, group, entity, property, or circumstance, such determination will not affect the
183 applicability of this Administrative Code Resolution to any other individual, group, entity,
184 property, or circumstance.

185 Section 4. Inclusion in the Broward County Administrative Code.

186 It is the intention of the Board of County Commissioners that the provisions of this
187 Administrative Code Resolution become part of the Broward County Administrative Code
188 as of the effective date. The sections of this Administrative Code Resolution may be
189 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
190 or such other appropriate word or phrase to the extent necessary to accomplish such
191 intention.

192 Section 5. Effective Date.

193 This Administrative Code Resolution is effective upon adoption.

ADOPTED this day of , 2024. **PROPOSED**

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Amanda M. Tolbert 10/03/2024
Amanda M. Tolbert (date)
Assistant County Attorney

By: /s/ René D. Harrod 10/03/2024
René D. Harrod (date)
Chief Deputy County Attorney

AMT/jc
Parks Fee Schedule Provisions
10/03/2024
1120636.15

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.