## Chapter 26 PARK AND RECREATION DEPARTMENT RULES AND REGULATIONS [[1]](#BK_980D2FDB877D3BD8F3D27D758BA3C87A)

[ARTICLE I. - IN GENERAL](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx)

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[ARTICLE III. - THE SHANNON MELENDI ACT](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx)

FOOTNOTE(S):

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**Editor's note—** Chapter 26 is derived from Ord. No. 59-14 adopted June 16, 1959. Ord. No. 60-1 adopted January 5, 1960 declared Ord. No. 59-14 to be amendatory to this Code. The rules and regulations set out herein have been renumbered to conform with this Code, the original numbering being retained for reference in the history note following each rule. [(Back)](#BK_9A441DB6E5D3CE2CEE90B212FBAFB416)

**Cross reference—** Park and Recreation Department, § 2-85 et seq.; Biscayne Bay Park, § 7-5; parks and recreation generally, Ch. 25B. [(Back)](#BK_9A441DB6E5D3CE2CEE90B212FBAFB416)

### ARTICLE I. IN GENERAL [[2]](#BK_2B3F2C4781B8663FD2E64098F5149A69)

[Sec. 26-1. Rules and regulations adopted.](#BK_3E7000D935D121E1BBA67E3ABDD4164F)

[Sec. 26-2. Effect of other ordinances; cumulative; definitions.](#BK_A73B77FE2621FAF6E846FCDD55F54F2F)

[Sec. 26-2.1. Reserved.](#BK_9A74EA7F09AF249B2C100AE02373C2F9)

[Sec. 26-3. Application to Rickenbacker Causeway and Venetian Causeway.](#BK_8DF5BD9CD683BDFB1B25F863273DE7F1)

[Sec. 26-4. Penalty.](#BK_8C09937CCD21416F12FB783C4E4237CD)

[Sec. 26-5. County employees and officials receiving benefits at county facilities.](#BK_9DDF391A91A753ACAD9356E4F883E373)

[Secs. 26-6—26-20. Reserved.](#BK_6DF5EF34F88213E9CDEC741EF05232D5)

Sec. 26-1. Rules and regulations adopted.

Any person violating any of the rules and regulations provided in this section shall be punished by:

(1) A fine not to exceed five hundred dollars ($500.00);

(2) Imprisonment in the county jail for a period not to exceed sixty (60) days;

(3) Both such fine and imprisonment in the discretion of the court having jurisdiction over the cause;

(4) Fines in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County; or

(5) Completion of the Miami-Dade County Diversion Program, pursuant to Implementing Order of the Board of County Commissioners.

(Ord. No. 10-52, § 8, 9-21-10)

*Rule 1. Definitions* When used herein the following definitions shall apply:

(a) The terms "Parks," "Parkways," "Recreational Areas," "Marinas" and other "Areas Operated and Maintained by the Miami-Dade County Park and Recreation Department" are defined to mean parks, wayside parks, parkways, playground, recreation fields, museums, auditoriums, ranges and buildings, natural areas, forests or preserves, lakes, streams, canals, lagoons, waterways, water areas and beaches therein and all public service facilities conducted on grounds, buildings, and structures in Miami-Dade County that are under the control of or assigned for upkeep, maintenance or operation by the Miami-Dade County Park and Recreation Department, and all beaches and ocean areas available to the public in the unincorporated area of the County.

(b) The term "Park Property" when used hereinafter is defined to cover all areas, buildings, locations, and facilities described in the foregoing paragraph.

(c) The terms "Park Department," "the Department" when used hereinafter are defined as "The Miami-Dade County Park and Recreation Department" and the term "Department Director" refers to the Director of said Department

(d) The term "Department Employee" refers to individuals employed by the Park and Recreation Department with responsibilities for the safe management, security, operation or maintenance of park facilities.

(e) In construing the provisions hereof and each and every word, phase or part thereof where the context will permit, the definitions provided in Sections [1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO) Florida Statues shall apply.

(Ord. No. 59-14, Rules, Definitions, §§ 1, 2, 6-16-59; Ord. No. 74-85, § 1, 10-1-74)

TRAFFIC

*Rule 2. Traffic ordinances and state vehicle laws* The traffic ordinances of this County [Chapter 30 of this Code] and applicable State Vehicle laws shall apply in and about all park property and in addition thereto the traffic regulations contained in this section shall be applicable.

(Ord. No. 59-14, Rules, Art 2, § 2, 6-16-59)

*Rule 3. Roads and driveways within parks*

(a) No person driving, operating, controlling or propelling any vehicle, motorized, horse drawn or self-propelled, shall use any other than the regularly designated paved or improved park roads or driveways, except when directed to do so by a police officer or department employee. The provisions of this subsection shall not apply to the use of any self-propelled wheelchair, power wheelchair, electric scooter, or other mobility device by an individual with a mobility impairment.

(b) No driver operator of any vehicle shall obstruct traffic or park or stop on any road or driveway except at a place so designated or in case of an emergency beyond his control. If so caused to stop or park for more than fifteen (15) minutes the operator shall report such fact to an officer or park employee. At places so designed and clearly marked, a vehicle may be stopped for a period of no more than fifteen (15) minutes in order for the occupant to view the scenic features.

(Ord. No. 59-14, Rules, [Art. 2](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA), § 3, 6-16-59; Ord. No. 96-95, § 1, 6-18-96)

*Rule 4. Trucks, buses, other heavy vehicles* No truck, commercial vehicle, or bus of any type will be driven on any restricted park road or property without special authorization from the Park and Recreation Department for the purpose of park work, service or activities except that trucks and buses used for transporting persons to a park for recreational purposes will be afforded use of ingress and egress park roads and parking facilities as provided for conventional passenger vehicles.

(Ord. No. 59-14, Rules, [Art. 2](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA), § 4, 6-16-59)

*Rule 5. Non-Motorized Equipment Use*

(a) No person shall ride, drive or propel any bicycle, tricycle, skate boards, roller skates, roller blades or similar non-motorized equipment on any but the regular vehicular roads or paved pathways and trails designated for said purpose. No person shall deviate from compliance with all traffic ordinance provisions governing the operation of bicycles while on park property.

(b) No person shall ride, drive or propel any registered motorized vehicle on any but the regular vehicular roads, except that such vehicles, with motors shut off, may be pushed by hand not faster than a walk or carried over grassy areas normally reserved for the use of pedestrians.

(c) The provisions of these subsections shall not apply to the use of self-propelled wheelchair, power wheelchair, electric scooter, or other mobility device by an individual with a mobility impairment.

(d) Violators of this provision shall pay a fine not to exceed one hundred dollars ($100.00) for the first violation and two hundred dollars ($200.00) for each succeeding violation. Provisions of this rule shall not apply to the operation of these vehicles on those portions of park property specifically designated for such use. (Ord. No. 99-80(b)) Parents or guardians will be held strictly accountable for the actions of minors in regards to the prohibitions in the foregoing paragraphs.

(Ord. No. 59-14, Rules, [Art. 2](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA), § 6, 6-16-59; Ord. No. 99-80, § 1, 7-13-99; Ord. No. 05-72, § 1, 4-5-05)

*Rule 6. Parking*

(a) No person shall park a vehicle any place on park property other than in the designated facilities provided for that particular type of vehicle, unless directed otherwise by police officers or department employees who are authorized to designate other areas for parking when conditions so warrant. The provisions of this subsection shall not apply to the use of self-propelled wheelchair, power wheelchair, electric scooter, or other mobility device by an individual with a mobility impairment.

(b) Except for County vehicles or those on official County business no operator of any vehicle shall park or permit to remain parked any vehicle on any driveway, parkway, parking area or other park property except in areas designated as twenty-four-hour boat launching areas between sunrise and sunset or as otherwise posted.

(Ord. No. 59-14, Rules, Part 2, Art. 2, § 2, 6-16-59; Ord. No. 72-8, § 2, 2-1-72)

(c) Exception to the provisions of the two (2) foregoing subsections is to be made in reference to the restaurants and leased facilities to permit patrons of these privately operated concessions to enter in and remain in same at any hour when open for business and to use the parking areas set aside for these concessions during the same hours. The Department Director may from time to time designate other similar use areas as exempt from general park closing hours.

(Ord. No. 59-14, Rules, Part 2, Art. 2, § 3, 6-16-59; Ord. No. 05-72, § 1, 4-5-05)

(d) No Department employee shall be permitted to accept any fee or gratuity for any service concerning the parking of a vehicle except those employees assigned to areas where a stated fee is charged by the Department.

(Ord. No. 59-14, Rules, Art. 2, § 6(A), (B), 6-16-59; Ord. No. 96-95, § 1, 6-18-96)

*Rule 7. Use of vehicles*

(a) No Operator of a vehicle shall tow another vehicle or wheeled device on park roads except when the towed vehicle is used in transporting a boat into a marina or other designated area or when necessary to remove a disabled vehicle. No tow vehicles shall be allowed on Department managed beaches where the Department shall provide for towing of boats or vehicles and shall be authorized to recover the costs for such service.

(b) No vehicles except those authorized by the Park and Recreation Department to carry passengers for hire or fare will be permitted to so operate in the parks and these vehicles will be the only ones that pedestrians may hail or make prior arrangements for rides.

(c) No person shall abandon, change any parts, repair, wash, grease, wax, polish, or clean a vehicle on any park roadway, parkway, driveway, parking lot or other park property.

(d) No person shall operate any unlicensed or unregistered motorized vehicle of any kind on any park roadway, parkway, driveway, parking lot, or other park property. The provisions of this subsection shall not apply to golf course golf carts and authorized maintenance equipment or vehicles designated primarily for use by individuals with disabilities or in areas specifically designated for such use. The County Manager may, however, designate with appropriate signage and in accordance with safety regulations, certain areas of parks for use by four wheeled motorized carts or mini-bikes.

(Ord. No. 59-14, Rules, Part 2, Art 3, § 1, 6-16-59; Ord. No. 94-76, § 1, 5-5-94; Ord. No. 05-72, § 1, 4-5-05)

PARK PROPERTY

*Rule 8. Preservation of property*

(a) As all property in all parks is County property no person entering or being within parks or areas operated and maintained by the Park and Recreation Department shall violate the provisions of by offense against property.

(b) No person shall vandalize, deface or destroy any park property or equipment within a park site.

(Ord. No. 59-14, Rules, Art. 5, § 2, 6-16-59; Ord. No. 86-64, § 1, 9-16-86; Ord. No. 95-82, § 1, 5-2-95)

(c) No person shall damage or remove plants or plant materials, trees or parts thereof or any flowers, nuts, seeds, or fruits whatsoever, except that park personnel may be empowered to make such removals and scientists and students of botany may be issued a Special Permit for specimen collecting by the Department Director or his/her designee.

(d) No person shall excavate or remove any artifact from any archaeologically sensitive areas. Of particular concern are Native American burial grounds and living sites.

(e) No person shall make any excavation by tool, equipment, blasting, or other means or utilize metal detectors or shall construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public utility into, upon, across or over any park or recreation lands unless authorized by permit or easement.

(f) No fires shall be built by any person against or adjacent to any park building, structure, tree or plant or near the property of others or in any area of any park except in such areas as are specifically designated for fire building, nor shall any person drop, throw and permit to be scattered by any means, hot coals, lighted matches, burning tobacco products or any other flammable material within any park area or any highway, road or street abutting or contiguous thereto.

(g) No person shall build, light or cause to be lighted, any fire upon the ground or beach or other object in any area except in an approved grill, stove, fireplace or other suitable container, nor shall any person starting a fire leave the area without extinguishing the fire.

(h) No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table, or other object of park property.

(Ord. No. 59-14, Rules, Art 4, 6, 6, 6-16-59)

(i) No person shall stand or sit on any fence rail or on any picnic table or any other structure not intended for such use in park or parkway.

(Ord. No. 59-14, Rules, Art 3, § 2, 6-16-59)

*Rule 9. Protection and preservation of wildlife*

(a) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot or throw or propel by any means missiles at any wildlife roaming free about a park or in captivity in a zoo cage, nor shall any person remove or possess the young of any wild animal or the nest or eggs of any reptile or bird or to collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen dead or alive of any animal within a park, unless specifically authorized by the Director of the Park and Recreation Department. This provision is not intended to limit any program for the purpose of control of nuisance wildlife as set forth in Rule No. 10 below.

**Note—**Florida Statutes § 790.33, as amended, preempts and declares null and void all local ordinances, administrative regulations and rules in the field of firearms and ammunition, with limited exceptions set forth in § 790.33, as amended.

(b) No person shall disobey posted notice prohibiting feeding zoo animals, birds or reptiles.

(c) No person shall place, dump, abandon or leave any animal, reptile or bird, either wild or domestic on the grounds of any zoo or park.

(Ord. No. 59-14, Rules, Art. 3, § 3, 6-16-59)

*Rule 10. Control of Nuisance Animals*

(a) Definitions. When used in this rule the following terms shall have the meanings set forth below:

(1) Exotic Animal: A non-native animal species that occurs in South Florida, as a result of direct or indirect, deliberate or accidental actions by humans, which shall include, but not be limited to, all domestic, semi-domestic or feral animals.

(2) Native Animal: An animal species that occurs naturally in or is indigenous to South Florida.

(3) Natural Resource Park: A Natural Resource Park shall mean any of the current so designated parks and any park acquired or opened by the Department after the effective date of this ordinance that contains more than two (2) acres (cumulative) of pine rockland, hammock, freshwater wetland, coastal wetland, or scrubby flatwood plant community.

(b) The introduction by any person of any exotic animal and the placement, abandonment or leaving of any animal in a County park or in public areas immediately adjacent to a County park is strictly forbidden.

(c) The feeding by any person of any exotic or native animal in a County park or in the public areas immediately adjacent to a County park is hereby strictly forbidden unless specifically authorized by the Department Director.

(d) Exotic animals, with the exception of those authorized by the Director, roaming free in County parks are hereby declared to constitute a nuisance. The Park and Recreation Department Director has the authority and responsibility to establish process and procedures to control and remove from the park, the species which are declared to constitute a nuisance.

(e) The Director of the Park and Recreation Department is hereby authorized, in consultation with the Florida Fish and Wildlife Conservation Commission, to declare certain native species located in identified parks to constitute a nuisance. Native species shall be determined to be a nuisance when, in the discretion of the Director of the Park and Recreation Department, in consultation with staff of the Florida Fish and Wildlife Conservation Commission, the number, location, behavior or other characteristics of the native species or the remains of deceased animals constitute a hazard to human health and/or safety or to the resources of the particular park.

*Rule 11. Domestic animals*

(a) No person shall be permitted to take any domestic animal other than a horse, as provided in Rule 21 below, into any park whether on leash, in arms or running at large, dogs in particular being excluded from parks, and provisions of Miami Dade County Dog Control Ordinance No 58-28 [Sections [5-3](../level2/PTIIICOOR_CH5ANFO.docx#PTIIICOOR_CH5ANFO_S5-3WIANRE)—5-15] shall apply to any and all park property, except for those areas specifically designated for dogs or other domesticated animals. The provisions of this subsection shall not apply to the use of a service animal, which means any dog guide or other animal individually trained to work or perform tasks for an individual with a disability.

(b) Cattle, horses, mules, swine, sheep, goats, or fowl shall not be allowed upon park property and all owners or attendants of such animals are charged with the duty of preventing such occurrences. This prohibition does not apply to animals and fowl kept by the Park Department or under its direction.

(Ord. No. 59-14, Rules, Art. 4, § 10, 6-16-59; Ord. No. 96-95, § 1, 6-18-96)

*Rule 12. Aircraft*

(a) No person operating, directing, or responsible for any airplane, helicopter, glider, balloon, dirigible, parachute or other aerial apparatus (excluding kites) will take off from or land in or on any park land or waterway, except when human life is endangered or written permission has been obtained from the Department Director. Take off from and landing in any natural resource area, and the environmentally sensitive Deering Estate at Cutler is specifically prohibited except when human life is endangered.

(b) No person operating any aircraft shall do any stunt flying over or fly lower than one thousand (1,000) feet above the highest obstruction located in any park or recreation areas that are considered to be populated areas requiring compliance with Federal Aviation (FAA) Administration regulations regarding same.

(Ord. No. 59-14, Rules, Art. 6, § 1, 6-16-59)

*Rule 13. Closing of parks*

(a) No person shall be or remain in any part of any park that is fenced in or provided with gates between the closing of the gates at night and their reopening on the following day; nor shall any person be or remain in any park not fenced in or provided with gates, between sunset and sunrise or as specifically posted, except in areas designated as twenty-four-hour boat launching areas, except in well-lit areas designated for use until 11:00 p.m. when in the discretion of the Department Director and upon consultation with the neighboring community or the Commissioner of the affected district and the applicable police department, and except that persons and vehicles may pass through such parks without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination. The provisions of this section shall not apply to police officers or department employees while in the discharge of their duties nor to persons having a permit in writing issued by the department to be or remain in any part of the parks between such hours. The Department Director has the authority to establish exceptions to the closing hours as set forth above when it is in the interest of the public health, safety or welfare and such exceptions shall be posted.

(Ord. No. 59-14, Rules, Part 2, Art. 2, § 1, 6-16-59; Ord. No. 72-8, § 1, 2-1-72; Ord. No. 05-21, § 1, 1-27-05)

(b) No person shall enter upon any part of any park, which is in an unfinished state or under construction or withheld from general public usage in the interest of public safety, health and/or welfare unless specifically permitted by the department Director.

(Ord. No. 59-14, Rules, Part 2, Art. 2, § 4, 6-16-59)

RECREATIONAL ACTIVITIES

*Rule 14. Recreational activities* No person shall engage in recreational or other activities other than those prescribed in certain areas set aside for such purposes. For example, in areas set aside for boating, swimming is prohibited, and in areas set aside for swimming, boating is prohibited.

*Rule 15. Games, etc.* No person or persons shall engage in rough or potentially dangerous games or practice for same, such as football, baseball, softball, horseshoes, golf, lacrosse, soccer, cricket, rugby, tennis, volleyball, badminton or any other games, practice or exercise involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, shuttlecocks, radio controlled or model aircraft or engage in rocketeering except in the areas specifically designated and set aside for such recreational usages.

(Ord. No. 59-14, Rules, Art. 4, § 7, 6-16-59)

*Rule 16. Bathing and swimming*

(a) No person, regardless of age, sex, or manner of dress shall swim, wade, or bathe in waters or waterways in or adjacent to any park other than at such places as are provided for such activities and in compliance with the rules of these areas as to hours of the day and safety limitations for such use.

(b) No person, minor or adult, shall enter or be in water at any bathing area wearing, carrying, pushing or towing any flotation device; provided, however, that surfboarding may be engaged in at certain prescribed areas that may from time to time be specifically designated for such sport by posted signs. Notwithstanding the above prohibition, the department is authorized to permit the use of any such device when required to accommodate park supervised programs or the needs of individuals with disabilities.

(Ord. No. 59-14, Rules, Art. 4, § 2, 6-16-59; Ord. No. 64-28, § 1, 7-21-64; Ord. No. 96-95, § 1, 6-18-96)

(c) No person shall erect or cause to be erected any tent, shelter or structure on or in any beach, bathing or wading area in such a manner that a guy wire, rope, extension, brace or support connected or fastened from any such structure to any other structure, stake, rock or other object is necessary, nor shall any structure, tent or shelter lack an obstructed view of the interior from at least two (2) sides.

(Ord. No. 59-14, Rules, Art. 4, § 6-16-59; Ord. No. 64-28, § 1, 7-21-64; Ord. No. 96-95, § 1, 6-18-96)

*Rule 17. Fishing* No person, adult or minor, shall fish in park waters, either fresh or salt, by use of hook-and-line, seine, net, trap, spear, gig or other device except at such places and in such areas as have been prescribed for such usage which will include specified lakes, canals, lagoons, creeks and stretches on ocean beaches marked by moveable signs in areas other than those used for bathing.

(Ord. No. 59-14, Rules, Art. 4 §, 6-16-59)

*Rule 18. Hunting and firearms*

(a) No person shall carry, use or possess firearms of any description, air rifles or pistols, spring guns, bows and arrows, paint guns or any other form of weapon potentially inimical or harmful to wildlife or dangerous to human safety on or in any park area or property except at and in accordance with the rules and regulations of the Trial Glades Ranges, and the Camp Owaissa Bauer archery range. Exception is made for sworn security personnel and Metrozoo Employees for the purpose of animal control and human safety.

(Ord. No. 59-14, Rules, Art. 4, § 5, 6-16-59)

**Note—**Florida Statutes § 790.33, as amended, preempts and declares null and void all local ordinances, administrative regulations and rules in the field of firearms and ammunition, with limited exceptions set forth in § 790.33, as amended.

(b) All persons using Miami-Dade County Park and Recreation Department range facilities shall be under permit to abide by resolutions governing range activities, copies of which will be furnished with each permit, and shall be required to complete a Range Safety Course prior to utilizing such range.

(Ord. No. 59-14, Rules, Part 3, Art. 2, § 6, 6-16-59)

*Rule 19. Toy firearms, fireworks and explosives*.

(a) No person may bring into, or have in his possession, or set off or otherwise cause to explode, discharge or burn in any park area or on any public lands or highways adjacent thereto, any firecrackers, torpedoes, rockets, toy firearms or cannon, sparklers or other fireworks or explosives of inflammable materials or any substance or compound that, may explode, discharge or burn, unless he first obtains a written permit from the Department Director.

**Note—**Florida Statutes § 790.33, as amended, preempts and declares null and void all local ordinances, administrative regulations and rules in the field of firearms and ammunition, with limited exceptions set forth in § 790.33, as amended.

(b) Parents or guardians will be held strictly responsible and accountable for the actions of minors in regards to the prohibitions in the foregoing paragraph.

(Ord. No. 59-14, Rules, Art. 4, § 9, 6-16-59)

*Rule 20. Picnic areas and use*

(a) No person will picnic, lunch or cook in any area not specifically designated by and regulated by the Park Managers for such usage. Rule 24 of this code establishes rule for the Picnic Shelter Permit Reservations.

(b) The Park Managers will regulate activities in picnic areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. If the facilities are crowded, persons holding picnics in any park picnic area, building or structure, will avoid using same to the exclusion of others for an unreasonable time, the determination of what is unreasonable being at the discretion of the Park Manager. Use of the individual grills, together with tables and benches, generally follows the rule of "first come, first served", with use of picnic tables limited to two tables per party, unless specifically authorized by the Park Manager.

(Ord. No. 59-14, Rules, Art. 4, 6, 6-16-59)

*Rule 21. Horseback riding* No person shall engage in horseback riding in any park or Park Department area other than those where provisions for such is provided by clearly marked bridle paths, trails, and other necessary features and then only upon thoroughly broken and properly restrained animals that are ridden with care, prevented from grazing, straying unattended, untethered to any rock, tree or shrub and not ridden or led on park land other than that so designated.

(Ord. No. 59-14, Rules, Art. 4, § 8, 6-16-59)

RECREATIONAL ACTIVITIES BY PERMIT ONLY

*Rule 22. Boating*

(a) No person shall bring into or operate any boat, yacht, cruiser, canoe, raft or other water craft (except non-motorized toys too small for human occupancy) in any park property watercourses, bays, lagoons, lakes, canals, rivers, ponds, or sloughs other than those designated for such use or purpose by the Park and Recreation Department and then only in strict conformance with Metropolitan Safe Boating Ordinance No. 59-46, [Ch. 7 of this Code].

(b) No person shall moor, anchor or tie up to the bank or any wharf, dock, tree, building, rock or any object or structure on the bank in waters within or contiguous to any park within two hundred (200) feet of the shore line unless the owner, or his representative, of the boat, houseboat, barge, vessel, ship or watercraft of any kind whatsoever, has obtained written permission from the Park and Recreation department, except that if the boat or ship is the property of the government of the United States, or is in distress, or ties up at a dock, wharf or pier designated for such purpose and then only long enough to enable the occupants to obtain repairs, towing service, food, fuel, water, bait, tackle or marine supplies.

(Ord. No. 59-14, Rules, Art. 4, § 3, 6-16-59)

(c) Public docks or shore line or bank facilities are provided in parks and recreation areas for dockage and other marine uses and purposes, but shall be used only after arrangements have been made with the park dockmaster who shall assign space and collect reasonable rental charges in accordance with established regulations and rates. Dockmasters shall lend emergency assistance if such should be required.

(d) No motorboats shall be operated on park waters unless equipped to divert their exhaust under water or to otherwise muffle the sound thereof.

(Ord. No. 59-14, Rules, Part 2, Art. 3, § 3, 6-16-59)

(e) Regulations and rules covering conduct in reference to occupancy and use of docking and mooring facilities are set forth on each permit and violation of the same will be punishable by revocation of the permit in addition to any other punishment that may be imposed in accordance with law.

(Ord. No. 59-14, Rules, Part 3, Art. 2, § 1, 6-16-59)

*Rule 23. Permit to operate boats for rent or hire*

(a) Permission to rent, hire or operate for charge any kind of boat, water craft, whether powered or not, on any park waters or from any park dock, mooring or marina area, shall be reserved for the Park Department or regularly licensed operators. Any boat operating for any commercial activity or for hire, or carrying passengers for money, or contemplating same, before docking or mooring or receiving such passengers at any dock or wharf or landing place or anchorage in the park jurisdiction shall obtain a special permit from the Department.

(b) It shall be necessary for any person operating passenger launches or excursion boats from park waters for rent or hire or carrying passengers for money who desires to maintain a scheduled boat line to land, anchor or tie up in any park area, either seasonal or annual, to make formal written application to the Park Department and upon receiving permission to operate such boat lines or liveries such permittee shall be subject to all the rules and regulations governing the operation of boats in park waters, including the inspection requirements of the Department.

(Ord. No. 59-14, Rules, Part 3, Art. 2, § 2, 6-16-59)

*Rule 24. Picnic shelter permit*

(a) Normally the larger picnic shelters and their facilities will be used only on reservation which must be obtained in advance and must be for a specific time and duration. However, picnic shelters may be used by the public without charge during unreserved periods. Reservations for picnic shelters shall be subject to the provisions of the permit and use of picnic areas must comply with park rules concerning same.

(b) Unless permitted by the Department Director, financial arrangement in connection with picnics held in a park, either on a reserved basis or otherwise, must be made outside the limits of the park, and the sale of tickets, acceptance of money, soliciting or accepting donations or offerings, in order to defray the expense of a picnic or to realize a profit therefrom is prohibited and subjects a permit holder to immediate cancellation of said permit.

(Ord. No. 59-14, Rules, Part 3, Art. 2, § 3, 6-16-59)

*Rule 25. Camping* There shall be no camping or overnight stay in parks unless authorized by the Park Manager. Camping in permanent cabins constructed by the Park Department or in privately owned tents erected under Park Department permit and used by groups of persons under adequate supervision are the only types of overnight camping that shall be allowed in the parks. Hence, the bringing into a park and using for overnight occupancy any house trailer, camp trailer, camp wagon, or any other form of moveable structure or special vehicle, except in areas designated for that purpose by the Park Department, is prohibited.

(Ord. No. 59-14, Rules, Part 3, Art. 2, § 4, 6-16-59; Ord. No. 66-61, § 1, 11-15-66)

SANITATION

*Rule 26. Pollution of waters* Using the fountains, drinking fountains, ponds, lakes, streams, bays, or any other bodies of water within the parks, or the tributaries, storm sewers or drains flowing into them as dumping places for any substance or matter or thing which will or may result in the pollution of said waters is strictly prohibited.

(Ord. No. 59-14, Rules, Art. 5, § 1, 6-16-59)

*Rule 27. Refuse, trash, and destruction of park property*

(a) No person shall deposit or drop or place any refuse including bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, tobacco products or containers of foil upon the ground or on any other park property except in receptacles provided for trash disposal. At no time shall any petroleum products be disposed of on park property except into those containers provided at marina facilities for that purpose.

(b) No person shall bring to or use any water or beverage container made of glass on any beach available to the public in the unincorporated area of the County.

(c) No person shall deposit into any recycle bin or container any material other than that for which it is intended.

(Ord. No. 59-14, Rules, Art. 5, § 2, 6-16-59; Ord. No. 86-64, § 1, 9-16-86; Ord. No. 95-82, § 1, 5-2-95)

UNDESIRABLE ACTS AND BEHAVIOR

*Rule 28. Noise* No person entering or upon park and recreation areas shall make excessive unnecessary noise and all provisions of [Chapter 21-28](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-28NOUNEXPR) and [21-28.1](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-28.1OPRCOMUBRET) of the Miami-Dade County Code shall apply to and be enforced in all park areas.

*Rule 29. Merchandising, vending, peddling, etc.* No person, organization or firm other than licensed concessionaires permitted by and acting under the authority of the Park Department will expose or offer for sale, rent or trade, any article or thing, or station or place any stand, cart, or vehicle for the transportation, sale or display of any article or merchandise within the limits of any park or recreation area.

(Ord. No. 59-14, Rule, Part 2, Art. 3, § 4, 6-16-59; Ord. No. 85-56, § 3, 7-16-85)

*Rule 30. Advertising and publicity and signs* No person shall advertise or obtain publicity through any means whatsoever within or upon any park property, except as permitted by [Article 6](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU) of the Miami-Dade County Home Rule Charter. To insure compliance, specific approval in advance and in writing from the Department Director is required and such approval shall be so worded as to prohibit damage to or marring of park property or vegetation, disturbance of park patrons or the display of anything unsightly or in disharmony with park beauty.

(Ord. No. 59-14, Rules, Part 2, Art 3, § 5, 6-16-59)

*Rule 31. Public demonstration, gatherings, performances, speeches, etc.* The County Manager in conjunction with the Park and Recreation Department Director has the responsibility and authority to establish guidelines for the permitting for demonstrations, gatherings, performances or other mass assemblages at County parks. Such rules and regulations shall be codified in Administrative Order [8-3](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-3DE), as amended, and be readily accessible to the public.

*Rule* [*32*](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE)*. Under the influence of drugs and/or alcohol intoxication* No person who is intoxicated or under the influence of drugs will be permitted entry to parks or recreation areas and if discovered therein will be ejected forthwith.

*Rule* [*33*](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO)*. Intoxicating liquors, beer, wine, etc.* Drinking of alcoholic liquors or beverages and the bringing of such into the park areas shall be permitted only under the circumstances set forth in the following paragraphs:

(a) At certain special specifically designated facilities where meals or lunches are served under concession privileges, the sale of alcoholic liquors or alcoholic beverages by such concessionaire or his employees will be permitted under strict regulation, being restricted to certain hours of the day and under the special authorization and control of the Department. Such sales shall be made only in individual cups (not in original packages or otherwise in bulk) and shall be served for consumption on the immediate premises of the concession and such sales of beer and wine are to be permitted only in open containers for consumption on the immediate premises of the concession except that the sale of unopened containers through concessions furnishing boats will be permitted.

(b) At picnic parties during hours of noon to sundown; and can only be consumed at picnic shelter areas or areas specifically designated by the Department Director. Special events as designated by the Department Director shall be exempt from the provisions of this paragraph.

(c) Owners of boats or vessels regularly docked or moored at or in park marina areas, or occupants of cabanas, shall be permitted to transport alcoholic liquors or beverages across park properties for use on board said boats, vessels, or in cabanas only.

(d) Unless authorized in writing by the Director of the Park and Recreation Department. the consumption of alcoholic beverages is specifically prohibited by those directing, participating in, or spectators of any athletic events. However, under no circumstance shall the Director of the Park and Recreation Department authorize the consumption of alcoholic beverages at youth activities and programs organized by the County or self-organized and authorized under permit by the Department.

(Ord. No. 59-14, Rules, Part 2, Art 4, § 1, 6-16-59; Ord. No. 97-36, § 1, 5-6-97; Ord. No. 08-72, § 1, 6-3-08; Ord. No. 09-34, § 1, 5-5-09)

*Rule 34. Proper use of facilities*

(a) No person over the age of ten (10) shall occupy such seats or benches or enter into such pavilions or other park structures or sections thereof that are reserved or designed by the Park Department for the exclusive use of the opposite sex unless providing personal assistance to a person with a disability, when no unisex facility exists. Children ten (10) years of age and under entering such opposite sex facilities must be accompanied by a parent or guardian.

(b) No person will loiter in or around any restroom, dressing room or bathhouse, picnic shelter, wooded or natural area.

(Ord. No. 59-14, Rules, Part 2, Art. 3, § 8, 6-16-59)

*Rule 35. Gambling* No person or organization shall conduct raffles, bingo games, or card games for money or drawings for prizes or participate in any other forms of gambling within park limits.

(Ord. No. 59-14, Rules, Part 2, Art. 3, § 2, 6-16-59)

ENFORCEMENT AND OBEDIENCE TO RULES

*Rule 36. Authority of Miami-Dade Police Department officials and Park Department officials*

(a) It shall be the duty and responsibility of the Miami-Dade Police Department to enforce all State laws, County ordinances, and in conjunction with Department employees, enforce all regulations and rules as well as all provisions of permits issued by the Park and Recreation Department within the following areas of the County:

(1) All parks and other areas maintained and operated by the Miami-Dade County Park and Recreation Department;

(2) All beaches and ocean areas east of the State designated erosion control line and made available to the public in the unincorporated area of the County and in municipalities.

(Ord. No. 01-35, § 1, 2-13-01)

Sec. 26-2. Effect of other ordinances; cumulative; definitions.

Other ordinances not in conflict with the police regulations, rules and permits adopted pursuant to [Section 26-1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-1RUREAD) hereof shall be enforced in all properties under the management and control of the Park and Recreation Department, and violators shall be punished in accordance with the particular ordinance violated.

This chapter and the police regulations, rules and permits adopted pursuant to [Section 26-1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-1RUREAD) hereof shall be taken to be cumulative and shall not be construed to amend or repeal any other valid County ordinance or penalty.

In construing the foregoing provisions and each and every word, phrase, or part thereof, where the context will permit the definitions provided in Section 1.01 Florida Statutes shall apply.

(Ord. No. 59-14, §§ 3—5, 6-16-59)

Sec. 26-2.1. Reserved.

**Editor's note—**

Ord. No. 05-30, § 1, adopted Feb. 1, 2005, repealed [section 26-2.1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-2.1RE) in its entirety. Former [section 26-2.1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-2.1RE) pertained to use of special taxing district parks, and derived from Ord. No. 69-67, § 1, adopted Oct. 1, 1969.

Sec. 26-3. Application to Rickenbacker Causeway and Venetian Causeway.

The provisions of this chapter, save and except Rules 3.(a) and (b), 16.(a), 22.(a) and (b), 11.(a), and 7.(c) as stated in [Section 26-1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-1RUREAD) hereof, shall be applicable to and enforced by the Metro-Dade Police Department in, about and on Rickenbacker Causeway and Venetian Causeway and all improvements, recreation areas and public property thereof.

(Ord. No. 60-32, § 1, 10-18-60; Ord. No. 01-35, § 1, 2-13-01)

**Editor's note—**

Ord. No. 60-32 enacted October 18, 1960, and effective ten (10) days thereafter amended [Ch. 26](../level2/PTIIICOOR_CH26PAREDERURE.docx#PTIIICOOR_CH26PAREDERURE) to add the section hereinabove designated by the editors as [§ 26-3](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-3APRICAVECA). Former [§ 26-3](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-3APRICAVECA) has been renumbered § [26-4](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-4PE)

Sec. 26-4. Penalty.

Any person convicted of a violation of any of the provisions of the Police Regulation, Rules and Permits adopted pursuant to [Section 26-1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-1RUREAD), with the exception of [Section 26-1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-1RUREAD), Rules 27(a) and 8(b), shall be punished by a fine not to exceed one hundred dollars ($100.00) or by imprisonment in the County Jail for a period not to exceed thirty (30) days or such fine and imprisonment. Violation of [Section 26-1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-1RUREAD), Rules 27(a) and 8(b) shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for a period not to exceed thirty (30) days or both such fine and imprisonment. Any person who violates [Section 26-1](../level3/PTIIICOOR_CH26PAREDERURE_ARTIINGE.docx#PTIIICOOR_CH26PAREDERURE_ARTIINGE_S26-1RUREAD), Rule 8(b) by writing, painting or drawing any inscription, figure or mark or any type on park property shall be punished in the manner set forth in [Section 21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR)(3) of this Code.

(Ord. No. 59-14, § 2, 6-16-59; Ord. No. 94-75, § 1, 5-5-94; Ord. No. 95-82, § 2, 5-2-95; Ord. No. 01-35, § 1, 2-13-01)

Note—See editor's note following § 26-3

Sec. 26-5. County employees and officials receiving benefits at county facilities.

None of the following enumerated persons:

(a) County officials;

(b) Members of the Public Health Trust;

(c) Employees of either the County or Public Health Trust who receive executive benefits;

shall accept or grant any discount or other complimentary financial benefit, for playing golf or tennis at any County park or other facility, unless such discount or benefit is available to all County employees under the same terms and conditions or unless such discount or benefit is available to all members of the public under the same terms and conditions.

Violation of this section shall be punishable by a fine not exceeding five hundred dollars ($500.00), or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.

(Ord. No. 97-109, §§ 1, 2, 7-8-97)

Secs. 26-6—26-20. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 02-137, §§ 1—16, adopted July 23, 2002, was codified herein as article II, sections 26-21—26-36, at the discretion of the editor. For organizational purposes, sections 26-1—26-5 have been included under new article I. [(Back)](#BK_FD603538DED513DCDAAFEEA98DE84D7C)

### ARTICLE II. PROGRAMMING PARTNERS PROGRAM [[3]](#BK_296B13D51AD39551EDF1342AA7EE1691)

[Sec. 26-21. Findings.](#BK_1AFA1FDE7E0955871637EB9E38FB79B3)

[Sec. 26-22. Scope.](#BK_2012C9F68B92BD34265152D65777AE86)

[Sec. 26-23. Definitions.](#BK_8596BF0DCB333074B0FB6F0592D9AE7D)

[Sec. 26-24. Purpose.](#BK_7E711A847D32F14CA472C01D7D65D4DF)

[Sec. 26-25. Goals.](#BK_286154EC39A431AE3FF5B7E334C0DCB8)

[Sec. 26-26. Exemptions.](#BK_F4891B1F09F845F9AA0B073D3DE1497B)

[Sec. 26-27. Administration.](#BK_2AFB9574B2A52B3E4B70BEDE02AE7925)

[Sec. 26-28. Partnership Agreements.](#BK_A65DB1019E6FA2BA85E633A1982103FF)

[Sec. 26-29. Concession Rights.](#BK_9F9CA4A19FE364E0E68412BF4AE00498)

[Sec. 26-30. Development Rights.](#BK_3827F0A208F723DB1F9FAB131697387E)

[Sec. 26-31. Partner Revenues, Fees and Charges.](#BK_D29BC0A6CEB16739B23AF57379E0E369)

[Sec. 26-32. Training.](#BK_C73818DEFE38A4F83F9747E0FB477F15)

[Sec. 26-33. Reserved.](#BK_1E948CB6C479B6EA9CFEB8383399E5B6)

[Sec. 26-34. Existing Partners.](#BK_FFF37B88418111FBEB3F63080488B48E)

[Sec. 26-35. CBO Grant Process.](#BK_93963DCB9A3395D1E642A9066CD034ED)

[Sec. 26-36. Audit.](#BK_3AC4F7592B3A2FC16594387768F76643)

Sec. 26-21. Findings.

The Board finds that:

A. The purposes described in the Whereas clauses [of the ordinance from which this article derives] are incorporated into the body of this article by reference. This article shall hereafter be known as the "Programming Partners Ordinance" and referred to herein as this article.

B. To fulfill the goal of the Recreation and Open Space Element of the CDMP Objective 4C, Section ii, the Department stipulates that it shall work with community-based organizations, non-profit youth service organizations, foundations, facility support societies and other special interest groups to expand opportunities for private, non-profit investment in park improvements and recreational programming.

C. County procurement processes primarily govern the purchase of goods and services through specifications and competitive bidding, and are managed through the Department of Procurement Management. As Programming Partners selection criteria are based on elements other than price, the standard procurement process should not apply, and Programming Partners shall become a distinct and unique process.

D. This Article creates a process to identify and select qualified Programming Partners to assist the Department in providing recreational and cultural programming services. Selection is based on an organization's ability to successfully fulfill specific, mutually agreed upon Recreational Outcomes that meet community needs.

E. Based upon these findings, the Board concurs that a fair and standard process for the recruitment, selection, agreement and evaluation of Not-For-Profit Program Service Providers be implemented.

(Ord. No. 02-137, § 1, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-22. Scope.

This section shall apply to all permit agreements, license agreements and lease agreements for programming as defined herein, by not-for-profit organizations at Miami-Dade Park and Recreation Department Facilities with the park classification of Metropolitan Park, District Park, Community Park, Special Activity Areas, and Single-Purpose Park. This section shall supersede [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE) and Administrative Order 3-38 and [8-5](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-5UNST) for the issuance of such permit agreements, license agreements and lease agreements with these entities.

(Ord. No. 02-137, § 2, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-23. Definitions.

As used in this article, the following terms shall mean:

A. *Community-based Organization* (CBO) shall refer to any not-for-profit agency, group, organization, society, association, partnership or individual whose primary purpose is to provide a community service to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community who have special needs.

B. *Community Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 30-100 acres in size with mixed passive and active recreational facilities.

C. *Concession Rights* shall refer to a Programming Partner's privilege to engage in the trade of certain goods, such as food and drink, in compliance with their IRS status in order to raise funds for the operations of its programs.

D. *County Park and Recreation Facility* shall refer to any public park land and the recreational facilities, thereon, owned and/or operated by the Department. The following park classifications: Natural Area Preserves, Greenways, Neighborhood parks and mini-parks, by definition are considered passive use areas not usually suited for on-site program development and therefore they are exempt from this article.

E. *Department* shall refer to the Miami-Dade Park and Recreation Department.

F. *Development Rights* shall refer to a Programming Partner's privilege to raise funds or provide services to plan, design and construct capital improvements on County Park and Recreation Facilities so long as any improvements are in accordance with the host Facility's approved general plan, and all capital improvements are authorized through the appropriate Department procedures.

G. *District Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 200 to 500 acres in size with intensive active, user-based recreational facilities.

H. *Exclusive Use* shall refer to a Programming Partners' serving as the sole provider of recreational programming services at a County Park and Recreation Facility.

I. *Metropolitan Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 200-plus acres in size that incorporate activities based upon the natural and cultural resources of the park.

J. *Non-Exclusive Use* shall refer to a Programming Partners' sharing time and facility usage with other recreational programming service providers at a County Park and Recreation Facility.

K. *Not-For-Profit Program Service Provider(s)* shall refer to any legally incorporated not-for-profit organization created under the laws of the State of Florida (the State) and designated as a tax-exempt entity by the United States Internal Revenue Service, which has among its purposes the provision of youth, athletic, senior, adult, cultural, environmental, conservation and/or recreational services.

L. *Programming* shall refer to recreational or cultural activities or services provided to County Park and Recreation Facilities through either a Programming Partner or the Department.

M. *Programming Partners Agreement* or *Programming Partnership Agreement* shall refer to the executed contract for services between the Programming Partner and the Department approved and authorized as outlined in the Administrative Order.

N. *Programming Partner(s),* *Partner(s)* or *Partnering Organization(s)* shall refer to any Not-For-Profit Program Service Provider that is selected by the Department under this article and accompanying Administrative Order to provide programs in County Park and Recreation Facilities.

O. *Public Park Purpose* shall refer to the use of County Park and Recreation Facilities for aesthetic, educational, recreational or cultural use, which promote personal, social, environmental and economic benefits to the County community.

P. *Recreational Outcomes* shall refer to the measurable recreational or educational programming goals and objectives the Programming Partner seeks to achieve as a condition of its agreement with the Department.

Q. *Request For Programming Proposals (RFPP)* means a formal written solicitation prepared and issued for the purpose of seeking sealed responses from prospective proposers by a date and time certain as established by the County.

R. *Single Purpose Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually between five and fifteen acres in size, that are devoted to a single recreational function.

S. *Special Activity Areas* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities of no set size, that incorporate activities based upon the natural or cultural resources of the park.

(Ord. No. 02-137, § 3, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-24. Purpose.

The Programming Partners Program provides a vehicle for the Department to build collaborative relationships with Programming Partners through a fair and standard recruitment, selection, agreement and evaluation process that fosters quality, equity and diversity in recreational and cultural programming opportunities, while ensuring that both the County and its Partners are accountable for the stewardship of County Park and Recreation Facilities.

(Ord. No. 02-137, § 4, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-25. Goals.

To fulfill the purpose of Programming Partners, the Department seeks to:

A. Establish a fair and standard process to recruit, qualify and select Programming Partners.

B. Create a graduated system for agreement authorization.

C. Identify Recreational Outcomes required to fulfill community programming needs and deficiencies throughout all County Park and Recreation Facilities except as exempted by definition in [Section 26-26](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIPRPAPR.docx#PTIIICOOR_CH26PAREDERURE_ARTIIPRPAPR_S26-26EX) of this article.

D. Develop performance measures that gauge Programming quality and effectiveness, and provide a process for corrective actions and a graduated system of penalties for non-compliance.

E. Provide financial oversight to ensure that Programming proceeds are reinvested directly into program operations and the upkeep and maintenance of the County Park and Recreation Facility hosting the Programming Partner.

F. Create mandatory training programs to empower Partners and improve overall professionalism, quality and diversity of Programming.

G. Ensure responsible stewardship of County Park and Recreation Facilities and recreational open space by scheduling programs to allow for general public access, and adequate and appropriate maintenance of lands and facilities.

H. Offer Development Rights to Programming Partners to empower them to obtain funding for capital improvements to County Park and Recreation Facilities, and expedite construction projects in accordance with established department policies and procedures.

(Ord. No. 02-137, § 5, 7-23-02)

Sec. 26-26. Exemptions.

County Park and Recreation Facilities classified as Natural Area Preserve, Greenways, Neighborhood Parks and mini-parks are exempt from this article. Facilities with these designations are passive use in nature and are not generally suited for on-site development of any duration. Active, organized use of these facilities will continue to be addressed through existing procedures outlined in Administrative Orders for Special Events and Permits to Conduct Business on County Property.

(Ord. No. 02-137, § 6, 7-23-02)

Sec. 26-27. Administration.

By implementing order, procedures for the advertisement, selection, and award of all agreements with Programming Partners shall be established. The implementing order shall be consistent with this article. The Department shall administer the Programming Partners process, which shall include at a minimum:

A. Recruitment Procedures for new Partners;

B. Measures for Existing Partners;

C. Criteria for Selection;

D. Partnership Agreement Types and Authorizations;

E. Required Information and Reporting;

F. Criteria for Performance Monitoring;

G. Measures to Address non-Performing Partners;

H. Procedures for Partnership Renewal;

I. Requirements for Participation in Fee Reduction/Scholarship Program;

J. Requirements for Background Checks of Volunteers;

K. Approval of Programming Partners Fees and Charges Schedules;

L. Mandatory Training Programs;

M. Opportunities for Recognition;

All Requests for Proposals for Programming Partners (RFPP) shall be prepared and issued by the Department. The Department shall receive and open such proposals, evaluate each proposal for responsiveness and qualifications, rank all proposals and shall make recommendations to the entity authorized by the Administrative Order to make the selection of award for a Programming Partner, as set forth herein. The type of agreement executed and level of authority for approval will be based upon the program purpose, use, term and amount of operating revenue and/or capital investment provided by the Programming Partner.

(Ord. No. 02-137, § 7, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-28. Partnership Agreements.

The type of Partnership Agreement and the required delegated authority, (Department Director, County Mayor or County Mayor's designee, or Board of County Commissioners) to enter into such agreements shall be determined by the purpose, use, duration and level of capital investment incurred by the Programming Partner, and shall be detailed in the Implementing Order.

(Ord. No. 02-137, § 8, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-29. Concession Rights.

Concession Rights will be limited to Programming Partners operating in Community, District, Single-Purpose and Metropolitan Parks.

(Ord. No. 02-137, § 9, 7-23-02)

Sec. 26-30. Development Rights.

Development Rights to construct recreational facilities on County-owned, -operated and -maintained parks will be granted at the Department's discretion and to the extent that they fulfill the host park's approved general plan.

(Ord. No. 02-137, § 10, 7-23-02)

Sec. 26-31. Partner Revenues, Fees and Charges.

Revenues, fees and charges collected by Programming Partners shall be for fulfillment of the Programming Partner's mission and in keeping with the Programming Partner's not-for-profit status.

(Ord. No. 02-137, § 11, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-32. Training.

All selected Programming Partners must participate in a mandatory training program, that will include, but not be limited to: department rules and regulations; ethics in the public sector; officials education and conduct; coaching certification; parental codes of conduct; inclusiveness and sensitivity for persons with disabilities; record keeping and reporting; and, facility stewardship.

(Ord. No. 02-137, § 12, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-33. Reserved.

**Editor's note—**

Section 1 of Ord. No. 08-07, adopted Jan. 10, 2008, deleted [§ 26-33](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIPRPAPR.docx#PTIIICOOR_CH26PAREDERURE_ARTIIPRPAPR_S26-33RE), the Shannon Melendi Act, which had derived from Ord. No. 02-137, adopted July 23, 2002; and Ord. No. 05-122, adopted June 21, 2005. The user is directed to §§ [26-37](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-37DE)—26-39 for similar provisions.

Sec. 26-34. Existing Partners.

Community-Based Not-For-Profit organizations and Programming Partners currently providing or desiring to provide programming services at County Park and Recreation Facilities may be offered the opportunity to negotiate and/or renew a Programming Partnership Agreement with the Department based on the needs of the Department provided that no such term, extension or renewal shall extend beyond ten (10) years following the effective date of this ordinance. In the event that no agreement can be reached to the mutual satisfaction of the parties, and in any event following the expiration of any agreed upon term, extension or renewal an open competitive RFPP process will be initiated. The Board, upon written recommendation of the County Mayor or the County Mayor's designee, may by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the County. Nothing in this section shall impair any validly existing contractual rights.

(Ord. No. 02-137, § 14, 7-23-02; Ord. No. 09-27, § 1, 4-7-09)

Sec. 26-35. CBO Grant Process.

Any Programming Partner with an unsatisfactory Performance Evaluation shall not be eligible for grant funding in accordance with A.O. 3-15. After receiving an "unsatisfactory" Performance Evaluation, the Programming Partner will have a designated period of time to improve. Once the Performance Evaluation has been brought up to a satisfactory level, the Programming Partner will become eligible for grant funding.

(Ord. No. 02-137, § 15, 7-23-02)

Sec. 26-36. Audit.

The Department will reserve the right to request or perform an audit to determine compliance with contract terms in addition to the reporting requirements in the Programming Partnership Agreement.

(Ord. No. 02-137, § 16, 7-23-02)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 02-137, §§ 1—16, adopted July 23, 2002, did not specifically amend the Code. Hence, its inclusion herein as article II, sections 26-21—26-36, was at the discretion of the editor. [(Back)](#BK_304DA1148C1AD03F849282DD007A8489)

### ARTICLE III. THE SHANNON MELENDI ACT

[Sec. 26-37. Definitions.](#BK_E5A7B45A5078680C1E907C3F1412715E)

[Sec. 26-38. Background checks required for child event workers, park vendors, and programming partner or community-based organization (CBO) employees and volunteers.](#BK_4E3610ACD1261BD31DAFAC24C61AE61F)

[Sec. 26-39. Miami-Dade Park and Recreation Department employees and volunteers.](#BK_E43163B8377E4186FA762720B800202C)

Sec. 26-37. Definitions.

As used in this article the following terms shall have the following meanings:

A. *Community-based Organization (CBO)* shall refer to any not-for-profit agency, group, organization, society, association, partnership, or individual whose primary purpose is to provide a community service to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community who have special needs.

B. *Child Event Worker* shall refer to any full-time or part-time employee, agent, volunteer, independent contractor, or employee or volunteer of an independent contractor of a carnival or fair that hosts amusement rides in a park owned or operated by Miami-Dade County. The following persons shall be exempted from this definition:

(1) Law enforcement personnel;

(2) Emergency or fire rescue personnel;

(3) Persons conducting deliveries; and

(4) Military recruitment personnel.

C. *Conviction* shall refer to a determination of guilt of a criminal charge which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

D. *Park vendor* shall refer to any full-time or part-time employee, agent, volunteer, independent contractor, or employee or volunteer of an independent contractor that has a contract with, or permit from, Miami-Dade County to rent or sell food, beverages, sporting equipment, or any other goods or services in a park owned or operated by Miami-Dade County. The following persons and events shall be exempted from this definition:

(1) Law enforcement personnel;

(2) Emergency or fire rescue personnel;

(3) Persons conducting deliveries;

(4) International or national sporting events;

(5) One-day events; and

(6) Carnivals, festivals, trade shows, and fairs that do not host amusement rides.

E. *Professional Background Screener* shall refer to any person, company, organization or agency which, for monetary fees, dues, or on a not-for-profit basis, regularly engages in whole or in part in the practice of researching and assembling criminal history information on specific persons for the purpose of furnishing criminal history reports to third parties.

F. *Programming Partner* shall refer to any Not-For-Profit Program Service Provider that is selected by the Department under Article II of this chapter and the accompanying Administrative Order to provide programs in County Park and Recreation Facilities.

G. *Sexual Offender* shall include any individual who meets the criteria of a "sexual predator" as defined in Section 775.21(4) of the Florida Statutes, or a "sexual offender" as defined in Section 943.0435 of the Florida Statutes, or who is listed on the National Sex Offender Public Website owned or operated by the United States Department of Justice.

H. *Violent felony* shall refer to the following felonies: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; or aggravated stalking.

I. *Volunteer* shall refer to any individual performing volunteer duties for a CBO, for a Programming Partner, for the Miami-Dade Park and Recreation Department as a child event worker, or as a park vendor for more than three (3) days in any six (6) month period. Students volunteering in order to fulfill high school graduation requirements shall be exempted from this definition.

(Ord. No. 08-07, § 2, 1-10-08)

Sec. 26-38. Background checks required for child event workers, park vendors, and programming partner or community-based organization (CBO) employees and volunteers.

A. Upon adoption of this ordinance [Ord. No. 08-07], employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all existing child event workers, park vendors, employees, and volunteers whose duties require physical presence on park property owned or operated by Miami-Dade County. In addition, prior to employing or allowing to volunteer a person whose duties would require physical presence on park property owned or operated by Miami-Dade County, employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all such prospective child event workers, park vendors, employees or volunteers.

The nationwide criminal background checks shall be conducted by a Professional Background Screener and shall include a report as to whether each child event worker, park vendor, staff member or volunteer is listed on the National Sex Offender Public Registry, and a comprehensive report and analysis, obtained from no less than two independent databases/sources, on the nationwide criminal history of such child event worker, park vendor, staff member or volunteer.

B. Every three (3) years thereafter, employers of park vendors, and Programming Partners and CBOs shall secure nationwide criminal background checks for existing park vendors, staff members, and volunteers whose duties require physical presence on park property owned or operated by Miami-Dade County. However, employers of child event workers shall secure nationwide criminal background checks for existing child event workers whose duties require physical presence on park property owned or operated by Miami-Dade County every year thereafter.

C. Any child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO who:

(1) Has been convicted of a violent felony or conspiracy to commit a violent felony within the past five (5) years; or

(2) Has been convicted of a felony involving the trafficking of a controlled substance within the past (5) years; or

(3) Has two (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) Is a sexual offender or a sexual predator; or

(5) Has failed to provide the employer, Programming Partner or CBO with proof of United States citizenship or legal immigration status in the United States,

shall be prohibited from working or volunteering on park property owned or operated by Miami-Dade County. All child event workers, park vendors, and staff members and volunteers of a Programming Partner or CBO shall submit to their employer, to the Programming Partner, or to the CBO an affidavit affirming that no work or volunteer duties will be performed on park property owned or operated by Miami-Dade County in violation of this subsection and that any arrest will be reported to his/her employer within forty-eight (48) hours of such arrest.

D. Employers of child event workers shall maintain copies of the results of the criminal background checks required by this section for a period of two (2) years from the date they were secured, and employers of park vendors, Programming Partners, and CBOs shall maintain such copies for a period of three (3) years from the date they were secured. Employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall maintain the affidavits required by Section 26-38.C. and the copies of the proof of United States citizenship or legal immigration status until the person is no longer a child event worker, park vendor, staff member, or volunteer.

Employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall, upon request, provide copies of these documents to Miami-Dade County or to any law enforcement personnel with jurisdiction.

E. Every child event worker, park vendor, and staff member and volunteer of a Programming Partner or CBO shall wear, in a conspicuous and visible manner, an identification badge that contains his/her photograph and full name while working or volunteering on park property owned or operated by Miami-Dade County, except when in costume and during a performance. The identification badge shall be of a size, design, and format approved by the Miami-Dade Park and Recreation Department.

F. Penalties and Enforcement.

(1) It shall be unlawful for an employer of child event workers, an employer of park vendors, or a Programming Partner or CBO to knowingly permit or allow any child event worker, park vendor, staff member, or volunteer to work or volunteer on park property owned or operated by Miami-Dade County in violation of [Section 26-38](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-38BACHRECHEVWOPAVEPRPACOSEORCBEMVO)

(2) It shall be unlawful for any child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO to work or volunteer on park property owned or operated by Miami-Dade County in violation of [Section 26-38](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-38BACHRECHEVWOPAVEPRPACOSEORCBEMVO)

(3) Any person who shall violate a provision of [Section 26-38](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-38BACHRECHEVWOPAVEPRPACOSEORCBEMVO), or who shall knowingly or willingly provide false or erroneous information to his/her employer, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(4) Any person who violates or fails to comply with [Section 26-38](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-38BACHRECHEVWOPAVEPRPACOSEORCBEMVO) may be subject to civil penalties in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Each day of violation or noncompliance shall constitute a separate offense.

(Ord. No. 08-07, § 2, 1-10-08)

Sec. 26-39. Miami-Dade Park and Recreation Department employees and volunteers.

A. Upon adoption of this ordinance [Ord. No. 08-07], the Miami-Dade Park and Recreation Department shall secure a nationwide criminal background check of all existing employees and volunteers whose primary duties require physical presence on park property owned or operated by Miami-Dade County. In addition, the Miami-Dade Park and Recreation Department shall secure a nationwide criminal background fingerprint check prior to employing, or allowing to volunteer, a person whose primary duties would require physical presence on park property owned or operated by Miami-Dade County. This nationwide criminal background fingerprint check shall be conducted through the Florida Department of Law Enforcement.

B. Every three (3) years thereafter, the Miami-Dade Park and Recreation Department shall secure nationwide criminal background checks for existing employees and volunteers whose primary duties require physical presence on park property owned or operated by Miami-Dade County. These nationwide criminal background checks shall be conducted by a Professional Background Screener and shall include a report as to whether each employee or volunteer is located on the National Sex Offender Public Registry, and a comprehensive report and analysis, obtained from two independent databases/sources, on the nationwide criminal history of such employee or volunteer.

C. Any employee or volunteer of the Miami-Dade Park and Recreation Department who:

(1) Has been convicted of a violent felony or conspiracy to commit a violent felony within the past five (5) years; or

(2) Has been convicted of a felony involving the trafficking of a controlled substance within the past (5) years; or

(3) Has two (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) Is a sexual offender or a sexual predator; or

(5) Has failed to provide the Miami-Dade Park and Recreation Department with proof of United States citizenship or legal immigration status in the United States,

shall be prohibited from working or volunteering on park property owned or operated by Miami-Dade County. All employees and volunteers of the Miami-Dade Park and Recreation Department shall submit to the Miami-Dade Park and Recreation Department an affidavit affirming that no work or volunteer duties will be performed on park property owned or operated by Miami-Dade County in violation of this subsection and that any arrest will be reported to his/her employer within forty-eight (48) hours of such arrest.

D. The Miami-Dade Park and Recreation Department shall maintain copies of the results of the criminal background checks required by this section for a period of three (3) years from the date they were secured. The Miami-Dade Park and Recreation Department shall maintain the affidavits required by Section 26-39.C. and shall maintain copies of the proof of United States citizenship or legal immigration status until the person is no longer an employee or volunteer.

E. Every employee and volunteer of the Miami-Dade Park and Recreation Department shall wear, in a conspicuous and visible manner, an identification badge that contains his/her photograph and full name while working or volunteering on park property owned or operated by Miami-Dade County, except when in costume and during a performance. The identification badge shall be of a size, design, and format approved by the Miami-Dade Park and Recreation Department.

F. Penalties and Enforcement.

(1) It shall be unlawful for any volunteer of the Miami-Dade Park and Recreation Department to volunteer on park property owned or operated by Miami-Dade County in violation of [Section 26-39](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-39MIDEPAREDEEMVO)

(2) Any volunteer who shall violate a provision of [Section 26-39](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-39MIDEPAREDEEMVO), or who shall knowingly or willingly provide false or erroneous information to the Miami-Dade Park and Recreation Department, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.

(3) Any volunteer who violates or fails to comply with [Section 26-39](../level3/PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC.docx#PTIIICOOR_CH26PAREDERURE_ARTIIITHSHMEAC_S26-39MIDEPAREDEEMVO) may be subject to civil penalties in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Each day of violation or noncompliance shall constitute a separate offense.

(Ord. No. 08-07, § 2, 1-10-08)