

TO: ALL COUNTY EMPLOYEES AND OCCUPANTS OF COUNTY OWNED BUILDINGS

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

**PREPARED BY: FACILITIES DEVELOPMENT & OPERATIONS DEPARTMENT
AND COUNTY ATTORNEY'S OFFICE**

**SUBJECT: USE OF COUNTY OWNED PROPERTIES FOR NON-COUNTY
ACTIVITIES**

PPM#: CW-O-024

ISSUE DATE

April 8, 2016

EFFECTIVE DATE

April 8, 2016

PURPOSE:

The purpose of this PPM is to identify the permitting procedures and requirements for the authorized use of County property for Non-County Activities and Non-County Meetings and to identify those Facilities where certain Non-County Activities and Non-County Meetings are prohibited.

UPDATES:

Future updates to this PPM CW-O-024 will be the responsibility of the Director of Facilities Development & Operations (FDO) and the County Attorney's Office.

POLICY:

It is the policy of Palm Beach County to allow individuals and groups to utilize County Facilities for various activities and events unrelated to County business, subject to restrictions. Pursuant to this policy, the County will make available certain Facilities for Non-County Activities and Non-County Meetings, subject to the permitting process identified in this PPM. The use of said County Facilities in this manner shall be subject to certain restrictions which are required to protect the safety and welfare of County employees and visitors to the Facilities for County business, to provide these employees and visitors with safe and efficient ingress and egress to the Facilities, to limit damage to the Facilities, and to limit the County's liability for injuries to and/or damage to the property of the Applicant, participants or spectators. This PPM also precludes Non-County Activities and Non-County Meetings from the Facilities specifically identified in Exhibit A to this PPM, which is attached hereto and incorporated herein, as may be amended from time to time.

APPLICATION:

This PPM only applies to the use of Facilities for Non-County Activities and Non-County Meetings as defined herein. Use of a Facility for uses other than those uses listed herein (for example, filming, exhibitions, and commercial activities) may be subject to additional licensing pursuant to separate policies.

DEFINITIONS:

For the purpose of this PPM the following definitions shall apply:

1. Applicant: Any individual, group or entity who submits a County Facility Use Permit Application to utilize County Facilities for an activity, event or meeting unrelated to County business.
2. Application: The County Facility Use Permit Application attached hereto as Exhibit B.
3. County: The Board of County Commissioners of Palm Beach County.
4. Department: The Facilities Development & Operations Department.
5. Employee Event: Any activity conducted by or sponsored by a County department, a state agency, or a constitutional officer occupying a County-owned building or their employees.
6. Facility or Facilities: All property owned by the County except for the developed and undeveloped parks, natural areas, airports, public rights-of-way, vehicles, buses, bus shelters, and bus benches.
7. Natural Area: All public lands containing high-quality native ecosystems that are under the control of or assigned to the Department of Environmental Resources Management for management, maintenance, and operation.
8. Non-County Activity or Activities: Non-County Activities are any non-commercial activities not conducted by or on behalf of the County. Non-County Activities which may disrupt or interfere with ingress or egress, may pose security risks, or that may hinder, disrupt or interfere with the orderly administration of the governmental purposes and functions of the Facility are subject to the permit requirements and provisions of this PPM. Activities which have been determined to fall under this definition include, but are not limited to, protesting, petitioning, speech making, soliciting, leafleting, geocaching, placement of leaflets, campaigning, placement of campaign materials, verbal announcements, posting of public, legal and general information notices and materials by an entity other than the County, and distribution of written materials by an entity other than the County. Art, of any nature, is subject to the requirements of PPM CW-F-072.
9. Non-County Meeting: Meetings not conducted by or on behalf of the County.

10. Non-Public Forum: A Facility where Non-County Activities and Non-County Meetings are prohibited. A list of Non-Public Forums is included in Exhibit A, as may be amended from time to time.
11. Permit: An Application once it has been approved by the Department.

PROCEDURES:

1. PERMIT APPLICATION

Any person or entity desiring to use a Facility for a Non-County Activity or Non-County Meeting shall complete the County Facility Use Permit Application provided as Exhibit B to this PPM and submit same for review and approval. The Department may adopt non-substantive variations of the Application form without the insurance and indemnity provisions for Employee Events, or for election, protest, petitioning or similar passive activities that involve two (2) or less participants. Permit Applications shall be submitted for approval at least ten (10) business days in advance of the requested commencement date and time for the Non-County Activity or Non-County Meeting. The Department may require additional information of the Applicant prior to final approval of an Application. Concurrent with notice of approval of an Application, the Department shall notify the Applicant of any restrictions, conditions of approval, additional insurance requirements as determined by the County's Risk Management Department and/or fees made on the requested activity or event. The special conditions and/or restrictions shall be reasonable and made only after the Department determines that the special conditions and/or restrictions are necessary to protect the safety and well-being of County employees and visitors using the Facility for its intended purposes, to assure the safe and orderly ingress and egress of County employees and visitors to the Facility, to limit any damage to the Facility, and/or to manage the County's liability for injuries to: (i) County employees, visitors to the Facility, the Applicant, participants or spectators and/or (ii) damage to the property of the Applicant, participants or spectators. Any restrictions, insurance requirements, special conditions and/or fees shall be specifically designed to eliminate the County's safety, ingress/egress and property damage concerns. The County also reserves the right to impose time limitations or other conditions on a Non-County Activity and/or Non-County Meeting in order to mitigate the impact of the Non-County Activity and/or Non-County Meeting on Facility operations.

The Applicant shall be responsible for ensuring that individuals participating in the approved activity, event or meetings are in compliance with the terms of the Permit.

Employee Events

Employee Events are not permitted in common or public use areas of those Facilities identified in Exhibit A. In other Facilities, Employee Events located in a common and public use area require a permit pursuant to this policy. Employee Events may be located in areas reserved exclusively for employee use subject to the Facility specific Rules and Use Policies applicable to the Facility.

2. PERMIT DENIAL

The Department may deny an Application for a Non-County Activity or Non-County Meeting to occur within a Facility for the following reasons:

- a. Failure by an Applicant to submit a completed Application or any required attachments,
- b. The requested activity, event or meeting interferes with a previously scheduled activity, event or meeting (by the County or any other party) in the same Facility,
- c. The Application contains a material falsehood or misrepresentation,
- d. The Department determines that the activity, event or meeting will likely result in a substantial disruption of the intended use(s) of the Facility,
- e. The Department determines that the activity or event will likely result in substantial damage to the Facility,
- f. The Department determines that the activity or event poses a substantial risk to the safety of County employees and/or visitors to the Facility, and/or
- g. The proposed activity or event is prohibited by any law, ordinance, statute, or regulation.

3. PERMIT APPEAL

Upon denial of an Application, the Department shall furnish a written explanation setting forth the reason why the Application has been denied. The Applicant may appeal the denial to the Director of the Department in writing. The Director of the Department shall provide a written ruling on the appeal within ten (10) business days of receipt.

4. PERMIT REVOCATION

A Permit may be revoked by the Department for one or more of the following reasons:

- a. Violation of any material restriction imposed by this PPM or the Permit,
- b. Continued, substantial complaints from the public concerning harassment,
- c. Any action by the Applicant or the User or its agents that adversely affect the health or safety of the public or employees,
- d. Continuation of an activity, event or meeting beyond the time period approved in the Application,
- e. Fraud or misrepresentation in the Application,
- f. Use of a Facility for an activity or event which substantially differs from the activity or event approved by the Department, and/or
- g. Failure by an Applicant to comply with or satisfy any special condition and/or restriction, including but not limited to providing evidence of insurance and payment of any fees.

5. UNPERMITTED ACTIVITIES

Any use of a Facility for a Non-County Activity or Non-County Meeting without an approved Permit, pursuant to this PPM, is prohibited. Continuation of a Non-County Activity or Non-County Meeting in a Facility after revocation of a Permit shall also be considered an unpermitted activity. Any individual or entity utilizing a Facility for any Non-County Activity

or Non-County Meeting without a Permit shall be asked to terminate the activity or meeting. A refusal to terminate the Non-County Activity or Non-County Meeting shall be considered to be trespassing and the individual shall either be reported to the Palm Beach County Sheriff's Office or issued a trespass warning by a County employee having control or enforcement authority over the applicable County property.

6. NON-PUBLIC FORUMS

Non-County Activities and Non-County Meetings are strictly prohibited in the Non-Public Forums identified in Exhibit A, as may be amended from time to time. Any individual or entity utilizing a Non-Public Forum for any Non-County Activity or Non-County Meeting shall be asked to terminate the activity. A refusal to terminate the Non-County Activity or Non-County Meeting shall be considered to be trespassing and the individual shall either be reported to the Palm Beach County Sheriff's Office or issued a trespass warning by a County employee having control or enforcement authority over the applicable County property.

Employee Events

In Non-Public Forums, an Employee Event is permitted if it is located in an area reserved exclusively for employee use but requires advance approval from the Department. Employee Events are prohibited in common and public use areas of Non-Public Forums.

7. TRESPASS ENFORCEMENT/APPEALS

Trespass Warning Issued by County Employee

A person who has been issued a trespass warning for violation of this PPM by a County employee may request review of the warning within ten (10) days of its issuance by furnishing a written request explaining why the warning should be modified or rescinded via U.S. Mail to the attention of Director, Palm Beach County Facilities Development & Operations, 2633 Vista Parkway, West Palm Beach, FL 33411, or via email to PBCFacilityUsePermit@pbcgov.org. The Director shall provide a written response within ten (10) business days. A review request may include a meeting request which the Director shall schedule via conference call or personal meeting within thirty (30) days of receipt of the written request. A person who has been issued a trespass warning as set forth above is not prohibited from returning to the Facility to conduct County business.

Trespass Warning Issued by Palm Beach County Sheriff's Deputy

Palm Beach County Sheriff's Office deputies are designated as the authorized representatives of the County for these Facilities and shall have the ability to provide trespass warnings on behalf of the County for Non-County Activities or Non-County Meetings which are inconsistent with the requirements and policy set forth in this PPM in the case of a threat to public safety or welfare. The Department shall provide guidelines for enforcement of PPM CW-O-024 to all sworn personnel of the Sheriff's Office and in addition, provide annual training to the Sheriff's Office/Court Services Bureau on the provisions of this PPM. A person

who has been issued a trespass warning as set forth above is not prohibited from returning to the Facility to conduct County business.

A person who has been issued a trespass warning for a violation of this PPM by a Palm Beach County Sheriff's Office deputy may file a complaint about the issuance of the trespass warning by obtaining a copy of the PBSO Allegation of Employee Misconduct (complaint) form from any PBSO facility or PBSO supervisor, or it can be downloaded from the PBSO website at www.pbso.org. The complaint can be mailed to the PBSO Division of Internal Affairs at 3228 Gun Club Road, West Palm Beach, FL 33406, or faxed to (561) 688-3059, or the complaint may be submitted via PBSO's online complaint form which can be accessed at www.pbso.org. Nothing herein shall preclude the Sheriff's Office from enforcing the provisions of any Florida State Statute prior to the completion of the investigation of the complaint.

8. PRIVATE UNATTENDED DISPLAYS OF ANY NATURE PROHIBITED

It is the County's policy not to allow private unattended displays of any nature at the Facilities.

9. FACILITY RULES AND USE POLICIES

Each County Facility may have Facility specific Rules and Use Policies that may limit the type of Non-County Activity and/or Non-County Meeting that may be permitted at the Facility.



VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. PPM# CW-O-024, issued 4/14/89, effective 4/14/94
2. PPM# CW-O-024, issued 9/18/03
3. PPM# CW-O-024, issued 5/1/06
4. PPM# CW-O-024, issued 7/12/07
5. PPM# CW-O-024, issued 6/23/09
6. PPM# CW-O-024, issued 9/25/09
7. PPM# CW-O-024- issued 2/22/11
8. PPM#CW-O-024- issued 1/16/15

EXHIBIT A
NON-PUBLIC FORUMS

1. North County Government Center, 3188 PGA Boulevard, Palm Beach Gardens
2. Main Courthouse, 205 N. Dixie Highway, West Palm Beach
3. Criminal Justice Building (SA/PD Building), 421 3rd Street, 401 N. Dixie Highway, West Palm Beach
4. Judicial Center Garage, 505 Banyan Boulevard, West Palm Beach
5. Government Center, 301 N. Olive Ave., West Palm Beach, excluding the 1st Floor Lobby, 6th Floor Lobby, 12th Floor Lobby, McEaddy Conference Room, Commission Chambers, Courtyard, and Parking Garage
6. Central Detention Center (Stockade), 673 Fairgrounds Road, West Palm Beach
7. South County Courthouse, 200 W. Atlantic Ave., Delray Beach, including the Parking Garage at 656 SW 2nd Avenue, Delray Beach, and associated surface parking
8. West County Courthouse, 2950 SR 15, Belle Glade
9. West County Jail, 38811 James Wheeler Way, Belle Glade
10. Medical Examiner's Office, 3126 Gun Club Road, West Palm Beach
11. All water and wastewater plants
12. Vista Center, 2300 North Jog Road, West Palm Beach, excluding Meeting Rooms 1W-47 and 1W-50 between 6:00 p.m. and 10:30 p.m. on Monday through Thursday
13. Airport Center Building 1 and Assigned Parking, 100 Australian Ave., West Palm Beach
14. Airport Center Building 2 and Assigned Parking, 160 Australian Ave., West Palm Beach
15. Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach
16. 2195 Southern Boulevard, West Palm Beach
17. PBSO District 3 Substation, 8130 Jog Road, West Palm Beach
18. PBSO District 4 Substation, 14925 Cumberland Drive, Delray Beach

19. PBSO District 5 Substation, 38840 State Road 80, Belle Glade
20. PBSO District 7 Substation, 17901 U.S. Highway 441, Boca Raton
21. PBSO District 6 Substation, 7894 South Jog Road, Boynton Beach
22. PBSO District 15 Substation, 200 Civic Center Way, Suite 300, Royal Palm Beach
23. PBSO Forensic Sciences and Technology Building, 3075 Gun Club Rd, West Palm Beach
24. PBSO Aviation Unit Facility, 4345 Southern Blvd., West Palm Beach
25. PBSO K9 Facility 7950 Forest Hill Blvd., West Palm Beach
26. PBSO Law Enforcement Training Facility, 4215 Cherry Road, West Palm Beach
27. Herman Brice Fire Rescue HQ and Training Center, 405 Pike Road, West Palm Beach
28. Central Video Visitation Center, 9620 Weisman Way, West Palm Beach
29. Supervisor of Elections Production Facility, 4301 & 4215 Cherry Rd, West Palm Beach*

* Any Federal or state laws, rules, or regulations applicable to early voting and election days shall supersede this non-public forum designation

EXHIBIT B
COUNTY FACILITY USE PERMIT APPLICATION

This application may be used to apply for a permit to use a Palm Beach County Facility for a Non-County Activity or a Non-County Meeting. The application must be submitted at least Ten (10) business days prior to the proposed date of the Use. Please send the completed application to:

Facilities Development & Operations Department (Department)
2633 Vista Parkway, West Palm Beach, FL 33411-5603
ATTN: Director
Telephone: 561-233-0215; Fax: 561-233-0206
Email: PBCFacilityUsePermit@pbcgov.org

Upon approval of the application by the Department, the Facility will be reserved and the User will be informed of any restrictions, special conditions, additional insurance requirements and service fees for the Use. User shall submit to the Department at least three (3) business days prior to the Use: (i) payment for any service fees and (ii) evidence of insurance coverage, as required herein.

The County reserves the right to deny a permit to an individual or group and the right to revoke this permit according to the procedures of Countywide PPM # CW-O-024, as may be amended from time to time.

1. USER

Name of Entity/Individual: _____

Address: _____

Telephone: _____ Email: _____

Name and Title of Authorized Representative: _____

Type of Entity: Public Agency Non-Profit Other (Specify)

2. REQUESTED FACILITY

Name and Address of Facility (Please include room or area requested): _____

If application is for the use of the Jane M. Thompson Memorial Chambers aka 6th Floor Commission Chambers, McEaddy Conference Room or Vista Center Meeting Rooms 1W-47 and 1W-50, please specify if Applicant requests use of the dais? Yes No

3. USE

Nature of Use: _____ Protest _____ Campaign Event _____ Non-Profit Event
_____ Solicitation _____ Posting Notices _____ Speech _____ Other

Estimated Number of Attendees (including User/Staff/Volunteers): _____

Detailed description of the nature and purpose of use (attach additional sheets as necessary): _____

4. FOOD AND BEVERAGE

Use includes food and/or beverages? _____ Yes _____ No

Use includes the sale, use or consumption of alcohol? _____ Yes _____ No

Note: A custodial fee may be imposed if the use involves food and/or beverages.

5. DATE AND TIME OF USE

Date(s) of Use: _____

Time(s) of Use: _____ AM/ PM _____ AM/ PM

6. EQUIPMENT

Amount of Equipment Requested: _____ Tables _____ Chairs

Note: A service fee may be imposed for the use of the Equipment.

All equipment contained or used within the Facility is subject to approval by the Department.

7. ADDITIONAL USERS

Entity(s)/individual(s) participating in use, if other than Applicant (attach additional pages to list more entity(s)/individual(s)):

Name: _____

Address: _____

Phone: _____ Fax: _____ E-mail _____

Status: Non-Profit _____ Profit _____ Other _____ (Explain)

Contact Person: _____

8. VENDORS

List all vendors of the Event: _____

9. ADVERTISING

Will the event be advertised to the Public? ___ Yes ___ No

If yes, by what means? _____ Radio _____ TV _____ Other

All announcements (verbal and written) bearing the County address or location of the Non-County Activity or Non-County Meeting shall include the following disclaimer:

“This event is not sponsored by or affiliated with Palm Beach County.”

FACILITY RULES AND USE POLICY

The User shall strictly adhere to the Facility Rules and Use Policy contained herein at all times.

The User acknowledges that any violation of the Facility Rules and Use Policy may result in the suspension or termination of this permit.

1. User shall be responsible for items left at the Facility by guests, workers, employees or representatives of the User. The County shall not be responsible for items left by the User.
2. User shall return the Facility, including any equipment therein, in the same condition it was received. User shall remove any refuse, repair any damages, and clean the Facility and equipment. User shall compensate the County for any repairs or cleaning required but not accomplished by the User as determined by the Department.
3. User shall be responsible for all deliveries of equipment or other objects to the Facility.
4. User shall not use the Facility, or any part thereof, for any purpose other than the use contained in the Application without written consent from the Department.
5. User shall not use or store, nor permit to be used or stored, in the Facility, or any part thereof, any substance or object prohibited by law or ordinance, or by standard fire insurance policies issued by companies operating in Florida, including any illuminating oils, candles, oil lamps, turpentine, benzene, naphtha, or similar substances, or explosives of any kind.
6. User shall not store, possess or use drugs or gambling devices at the Facility, nor permit others to do so.

7. User will not post signs, banners, posters or any other displays on or in the Facility or affix decorations to walls or ceilings without the approval of the Department.
8. User shall not employ noise amplification devices unless approved by the Department.
9. User shall abide by all laws of the United States, the State of Florida, the County of Palm Beach and all regulations of the Palm Beach County Fire Rescue Department and the Public Health Department.
10. User acknowledges that any permitted Non-County Activity or Non-County Meeting shall be open to the general public and shall be non-exclusive. User shall not exclude any person from participation in its use of the Facility on the grounds of race, color, gender identity or expression, national origin, ancestry, sex, age, marital status, familial status, disability, genetic information, sexual orientation or religious or political preference.
11. Smoking is prohibited in the Facility, pursuant to the provisions of Countywide PPM # CW-P-036, as may be amended from time to time.
12. User shall not employ alternative electrical power sources without the approval of the Department.
13. If User is a non-governmental entity then User shall provide and maintain at its sole cost and expense, in a form and content acceptable to the County, Commercial General Liability Coverage at a limit of liability of not less than \$300,000 Each Occurrence. Coverage shall not contain any endorsement(s) excluding nor limiting Premises/Operations, Personal Injury, Product/Completed Operations, Contractual Liability, Severability of Interests or Cross Liability. Coverage shall be provided on a primary basis. Notwithstanding the foregoing, County may require additional coverage(s) of the type(s) and in the amount(s) specified by the County based upon the requested use. Applicant shall provide County, at least three (3) business days prior to the date of the requested use, with a certificate(s) of insurance evidencing the required coverage(s) and naming the County as both an additional insured and a certificate holder. The Applicant may choose to purchase insurance coverage(s) through the County's Tenant Users Liability Insurance Program (TULIP) which can be accessed through www.tulip@pbcgov.org. The Additional Insured shall read "Palm Beach County Board of County Commissioners, a political subdivision of the State of Florida, its Officers, Employees and Agents". The Certificate Holder shall read "Palm Beach County Board of County Commissioners c/o FDO, 2633 Vista Parkway, West Palm Beach, Florida 33411-5603". The foregoing is not required if the estimated Number of Attendees on the Application is two (2) or less.
14. If User is a governmental entity then User hereby acknowledges without waiving the right to sovereign immunity as provided by Section 768.28 Florida Statutes that User is self-insured for general liability under Florida Sovereign Immunity Statutes with coverage limits of \$200,000 per person and \$300,000 per occurrence, or such monetary waiver limits that may change and be set forth by the legislature. If the User maintains third-party commercial general liability in lieu of exclusive reliance on self insurance under Section 768.28 Florida Statutes, User shall maintain the same insurance policy

limits, as set forth in Section 13 above and shall comply with all other requirements set forth in Section 13 above. User's self insurance and/or general liability coverage shall be primary with respect to any coverage afforded to or maintained by the County.

15. For events involving alcohol, User shall obtain any licenses or permits required by the State of Florida and provide proof of liquor liability insurance coverage in the amount \$1,000,000. Insurance coverage may also be provided by way of a Commercial General Liability policy utilizing Liquor Liability endorsement CG 24 08. Furthermore, User shall comply with the provisions of Countywide PPM # CW-P-026, as may be amended from time to time.
16. All Additional Users and Vendors of the Facility shall also comply with all insurance requirements required of the User and shall provide County with evidence of the same.
17. User hereby agrees to a Waiver of Subrogation for each insurance policy required herein. When required by the insurer, or should a policy condition not permit User to enter into a pre-loss agreement to waive subrogation without an endorsement, then User shall notify the insurer and request the policy be endorsed with a Waiver of Transfer of Rights of Recovery Against Others, or its equivalent. This Waiver of Subrogation requirement shall not apply to any policy, which includes a condition specifically prohibiting such an endorsement, or voids coverage should User enter into such an agreement on a pre-loss basis.
18. User shall protect, defend, reimburse, indemnify and hold Palm Beach County, its agents, designees, employees, and elected officials free and harmless at all times from and against all claims, liability, expenses, losses, costs, fines, damages or causes of action of every kind and character, including attorney's fees and costs, whether at trial or appellate levels or otherwise, arising during, as a result of, or in connection with User's use of the Facility. User assumes the risk associated with the use of the Facility and agree to hold Palm Beach County, its agents, designees, employees, and elected officials free and harmless at all times from and against all claims, liability, expenses, losses, costs, fines, damages or causes of action of every kind and character, including attorney's fees and costs, whether at trial or appellate levels or otherwise, due to their acts, errors or omissions resulting in bodily injury, including death, or damage to User's property incident to or in connection with User's use of the Facility. In the event User is a governmental entity, nothing contained herein shall be construed as a waiver of sovereign immunity or the statutory limits of liability set forth in Section 768.28, Florida Statutes.
19. All announcements (verbal and written) bearing the County address or location of the Non-County Activity or Non-County Meeting shall include the following disclaimer:

“This event is not sponsored by or affiliated with Palm Beach County”

TO BE PROVIDED BY THE COUNTY (after evaluation of the Application):

Special Use Conditions and Fees: _____

By my signing below, I certify that I have the authority to represent and obligate the User listed above and shall comply with the terms of this Application and all rules, regulations, laws and ordinances of the Palm Beach County Board of County Commissioners in regard to the use of the Facility. I also agree to accept the Facility as it exists at the time of use and to the indemnification set forth above.

Signature of Authorized Representative

Date: _____

Printed Name and Title of Authorized Representative

APPROVED BY:

Director, Facilities Development & Operations Department

Date: _____

OTHER DEPARTMENTAL REVIEW (if necessary):

Signature of Director of Department

Date: _____