

# VILLAGE OF KEY BISCAYNE PARKS AND RECREATION DEPARTMENT

## APPLICATION FOR PERSONAL TRAINING ON VILLAGE PARKS AND OTHER OUTDOOR FITNESS USAGES ON VILLAGE PARKS

### Type of Permit Requested

Please check predominant use:

- Fitness, Cross Training or Professional Exercise Trainer, Medium to High Impact
- Yoga, Pilates or other Light Impact Trainer
- Other  
Please define: \_\_\_\_\_

### Requested Permit Term:

- 12 month

### Requested Park Location(s):

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### Application Date:

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## Permit Holder Information

Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Florida Drivers License or Identification Card Number\*: \_\_\_\_\_

Cardio Pulmonary Resuscitation Certification Expiration Date\*: \_\_\_\_\_

First Aid Certification Expiration Date\*: \_\_\_\_\_

Personal Trainer Certification Expiration Date\*: \_\_\_\_\_

Occupational License\*: \_\_\_\_\_

General Liability Insurance Provider\*: \_\_\_\_\_

Policy Number: \_\_\_\_\_

***\*Permit holder must provide documents as verifiable proof before the Park Use Permit may be issued.***

***This new policy become effective upon approval on second reading of the Ordinance amending Section 19-13 of Village Code to require all persons who use the Village's public parks to conduct fitness classes/training to register with the Village, meet certain requirements and pay a registration fee.***

## **Use Allowed**

Programs/activities as described in the Program/Activity Description section herein are allowed and must adhere to the rules herein as well as those attached as **EXHIBITS A and C (hereinafter referred to as the “Rules”)**. To the extent of any conflict between the program activities authorized in the permit and other existing uses, the Village reserves the right to adjust the uses authorized. The permit may not be assigned.

## **Conditions of Permit**

- (1) Permit holder shall clean the park locations at the end of every day of use under the permit.
- (2) Modifications or improvements proposed by the permit holder to obtain electric service at any park location are not covered by the permit and must be approved by the Village before the proposed modifications or improvements may be made. Additional agreements may be required for the modifications or improvements.
- (3) Permit holder shall at all times maintain in their possession the issued permit credential in the manner prescribed by the Village’s Director of Parks and Recreation.
- (4) Permit holder shall not use the park location if the area has been closed by the Village due to inclement weather or other reason. The Village will notify the permit holder point of contact of the closure and will post signage at the site to identify the nature and duration of the closure.
- (5) Permit holder shall advise permit holder’s employees of the park use policies to ensure that all activities under this permit comply with the Rules. .
- (6) Approved park areas may be used from sunrise to sunset for permitted uses unless otherwise specified and approved.
- (7) The hours of use of non-park public buildings and facilities will be specified in the permit.
- (8) The Village will issue twelve (12) annual permits each fiscal year.
- (9) All permit holders must provide a current Village of Key Biscayne Occupational License included with the permit application.

## **Payment**

In exchange for this permit, a permit holder who does not operate a commercial facility providing similar services licensed and permitted within the Village shall pay a non-refundable registration fee of \$1,200.00 payable to the "Village of Key Biscayne." Permit holders who operate a commercial facility providing similar services within the Village and pay a business tax receipt shall pay a non-refundable registration fee of \$600.00 payable to the "Village of Key Biscayne." The registration fee is for a one (1) year permit from October 1 through September 30 ("Fiscal Year"). If a permit is granted after October 1, the registration fee shall be prorated at \$100.00 or \$50.00 per month, as appropriate, for each month remaining in the Fiscal Year. All permits shall expire on September 30, unless terminated earlier as set forth herein. Permit holders wishing to renew their permits for the following fiscal year, must re-apply using this same procedure.

## **Term/Termination**

This permit shall be effective from October 1, unless otherwise specified, and shall automatically terminate on September 30 of that same Fiscal Year, unless terminated earlier under this provision.

The Director of Parks and Recreation may revoke the permit upon three (3) calendar days' written notice to the permit holder. If the permit is terminated due to property damage, the Village may require the permit holder to pay for the cost of repairing the damage to the park.

Further, the Village's Director of Parks and Recreation may revoke the permit after three (3) or more violations by any permit holder of any Rules.

Notwithstanding the foregoing, the Village's Director of Parks and Recreation, in his/her sole discretion, may immediately revoke a permit if he/she believes it is in the best interest of the Village to do so.

In the event that a permit is revoked, the permit holder will not be reimbursed the registration fee paid to obtain the permit.

## **Requirements**

### **1. Insurance**

Permit applicant shall secure and maintain throughout the duration of the permit Comprehensive General Liability insurance in such amounts not less than those specified below as satisfactory to the Village, naming the Village as an Additional Insured, underwritten by a firm rated A-X or better by Bests Rating and qualified to do business in the State of Florida. Certificates of Insurance shall be provided to the Village, reflecting the Village as an Additional Insured, no later than five (5) calendar days before the issuance of the permit. Each certificate shall include no less than (30) thirty-day advance written notice to Village prior to cancellation, termination, or material alteration of said policies or insurance.

The Permit holder must obtain Comprehensive General Liability Insurance with limits of liability of not less than a \$1,000,000 per Occurrence combined single

limit for Bodily Injury and Property Damage. The General Aggregate Liability limit shall be in the amount of \$2,000,000.

**2. Certifications**

- a. Permit applicants providing personal training must have a current Personal Trainer Certification. Acceptable certifications include ACE, ACSM, AFAA, AFPA, IFPA, NCSF, NATA and NSCA.
- b. Permit applicants must have a current AED (Automatic External Defibrillator) certification.
- c. Permit applicants must have a current CPR certification.
- d. Permit applicants must have a current first aid certification.
- e. All certifications must be kept current during the permit term.

**3. Background Check**

The Village shall conduct background checks on all permit applicants and may deny or revoke a permit for any reason in the Director of Parks and Recreation’s sole discretion based upon the information or lack of information obtained.

Permit applicant must complete the Background Check Consent Form included as **EXHIBIT B**.

**Compliance with Village of Key Biscayne Rules and Regulations**

In addition to the specific rules and regulations established for this permit and use program, permit applicant acknowledges that each park and permit is subject to general park rules and regulations as currently exist and as may be adopted administratively or by resolution/ordinance by the Village of Key Biscayne and agrees to abide by these rules and regulations.

**Program/Activity Description**

Describe the program/activity including number of participants expected:

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Describe in detail how the park land, park equipment, and park improvements will be used:

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**Indemnity/Waiver**

Permit holder agrees to indemnify and hold harmless the Village of Key Biscayne, its agents, employees, and assigns, against any liability based upon the services provided by the permit holder, the issuance of this permit, or the failure of permit holder to comply with the terms of the permit. Permit holder, permit holder’s employees, volunteers, and clients waive any right they may have had to sue the Village, its officers, employees, and assigns due to conduct under this permit. Permit holder shall communicate the terms of this indemnity and waiver to all permit holder’s employees, volunteers, and clients.

**Applicant’s Verification:**

I verify that all of the above information is true. I also have read, understand, and agree to comply with all park use policies, procedures and rules as set forth by the Village of Key Biscayne Parks and Recreation Department. I also agree to the terms of this permit.

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Signature of Applicant                    /                    Printed Name                    /                    Date

**Please complete this application and return to the address below:**

**Mailing Address:**

Village of Key Biscayne  
Parks and Recreation Department  
Attention: Todd Hofferberth  
10 Village Green Way  
Key Biscayne, Florida 33149

**Contact:**

Todd Hofferberth or Designee  
Phone: (305) 365-8900  
Fax: (305) 365-8991  
E-mail: ParksPermitApplications@  
keybiscayne.fl.gov

**Village of Key Biscayne Parks and Recreation Department Approvals  
(Office use only)**

Verified by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Approved by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Village of Key Biscayne  
Parks and Recreation Department  
Director or Designee

## Exhibit A

### Village of Key Biscayne

#### Rules Regarding Use of Village's Parks For Personal Training / Classes

For the health safety and welfare of the Village residents, and to effectively manage the use of Village parks, the Village implements this program where all persons who wish to use Village parks to conduct fitness classes/training are required to register with the Village's Parks and Recreation Department, meet certain requirements and pay an annual registration fee.

Section	Description	Proposed Rule or Fee
1	Approved Uses	Fitness Groups, Yoga Instruction, and other professional fitness services as approved by the Director of Parks and Recreation
2	Approved Locations	<ul style="list-style-type: none"> <li>- Village Green North</li> <li>- Village Green South</li> <li>- Village Green Promenade</li> <li>- Village Beach Park</li> <li>- 530 Crandon Blvd Park</li> <li>- Other public buildings and facilities upon review and approval of the Parks and Recreation Director or designee</li> <li>- These areas may be used from sunrise to sunset unless otherwise approved and stated in the permit</li> </ul>
3	Excluded Areas	<p>Any area specifically dedicated to a use that would reasonably conflict with any approved use is excluded. For example, holding fitness classes in an area dedicated as a children's play area or basketball court is not appropriate.</p> <p>Shared parkland with Miami-Dade County Schools and St. Agnes Academy will not be an approved location for such activity at this time.</p> <p>Driveways, garages, streets, sidewalks, swales and parking areas are excluded from such activity with the exception of the interior pathway around the Village Green Park.</p>
4	Approved Equipment	<p>Trainers may <b>not</b> bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public. These items include but are not limited to:</p> <ul style="list-style-type: none"> <li>- Tractor tires;</li> <li>- Vehicles on park property;</li> <li>- Cables or railroad ties; and/or</li> <li>- Attaching equipment to trees, building, park structures, hand rails or other fixed items.</li> </ul> <p>Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands.</p>
5	Impact on public use and priority of the permit	<p>Permit holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited. All Village sponsored or contracted programs, camps, special events and athletics will have priority, and are not to be impacted by permit holders.</p>

Section	Description	Proposed Rule or Fee
6	Fee for Professional Services, intended to include fitness trainers, boot camp leaders and other exercise professionals	<b>Fee per Trainer, Instructor:</b> \$1200 annual registration fee (prorated at \$100.00 per month) for permit holders who do not operate a commercial facility providing similar services licensed and permitted within the Village. \$600 annual registration fee (prorated at \$50.00 per month) for permit holders who operate a commercial facility providing similar services within the Village and pay a business tax receipt.
7	Permit Credential	ID Card with photo for each permit holder. Permit holders are required to wear or have with them the permit credential when conducting classes/training on Village property. The Village retains the right to request proof of permit by requesting permit credential by any Village of Key Biscayne employee.
8	Enforcement	Violations of this permit or any Rules may result in the revocation of permit. Three (3) or more violations by any permit holder shall result in permanent removal from the program.
10	Parking Lots	Parking lots may not be used for any fitness, training or professional services or purpose at any time.
11	Addition or Removal of Approved Park Locations	The Parks and Recreation Department staff will review the addition and/or deletion of approved locations during each Fiscal Year.



**Exhibit B  
Village of Key Biscayne  
Background Check Consent Form**

**AUTHORIZATION/CONSENT**

During the application process and at any time during the tenure of my employment/service with the Village of Key Biscayne, I hereby authorize ChoicePoint Services Inc., on behalf of the Village of Key Biscayne to procure a consumer report (known as an investigative consumer report in California) which I understand may include information regarding my character, general reputation, or personal characteristics. This report may be compiled with information from courts record repositories, departments of motor vehicles, past or present employers and educational institutions, governmental occupational licensing or registration entities, business or personal references, and any other source required to verify information that I have voluntarily supplied. I understand that I may request a complete and accurate disclosure of the nature and scope of the background verification, to the extent such investigation includes information bearing on my character, general reputation, or personal characteristics.

\_\_\_\_\_  
Applicant/Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant/Employee Printed Name

\_\_\_\_\_  
Social Security Number \*

\_\_\_\_\_  
Date of Birth \*

\* For identification purposes only

**Please attach a copy of your driver's license to this form.**

**BACKGROUND VERIFICATION DISCLOSURE**

This is used to inform you that a consumer report is being obtained from a consumer reporting agency for the purpose of evaluating you for the issuance of a permit to provide personal training and other outdoor fitness services on Village parks. This report may contain information bearing on your character, general reputation, and personal characteristics from public or private record sources.

## **Exhibit C Park Rules**

### **Sec. 19-1. - Authority of Village of Key Biscayne Police Department officials and the Recreation Department officials.**

- (a) It shall be the duty and responsibility of the Village of Key Biscayne Police Department and the Recreation Department officials to enforce all State laws, County ordinances and these police regulations within the following areas of Village of Key Biscayne:
- (1) All parks and other areas maintained and operated by the Village of Key Biscayne Recreation Department.
  - (2) All beaches and ocean areas available to the public in the incorporated area of the Village of Key Biscayne.
- (b) It shall be unlawful for any person to do any act forbidden or fail to perform any act required by these police regulations.

*(Ord. No. 95-14, § 2, 11-14-95)*

### **Sec. 19-2. - Traffic ordinances.**

The traffic ordinances of Dade County and applicable State vehicle laws shall apply in and about all park property and in addition thereto the following traffic regulations shall be applicable.

*(Ord. No. 95-14, § 2, 11-14-95)*

### **Sec. 19-3. - Roads and driveways within parks.**

No person driving, operating, controlling or propelling any vehicle, motorized, horse drawn or self-propelled, shall use any other than the regularly designated roads or driveways, except when directed to do so by Police Officers or Recreation Department employees.

*(Ord. No. 95-14, § 2, 11-14-95)*

### **Sec. 19-4. - Use of vehicles, trucks, buses, other heavy vehicles.**

No car, truck, commercial vehicle, or bus of any type will be driven on any restricted park road or property without special authorization from the Recreation Department for the purpose of park work, services 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. 95-14, § 2, 11-14-95)*

### **Sec. 19-5. - Motorcycles and scooters.**

No person shall ride, drive or propel any motorized vehicles i.e., motorcycle, scooter or similar 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 over grassy areas normally reserved for the use of pedestrians and no person shall

deviate from compliance with all traffic ordinance provisions governing the operation of bicycles while on park property.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-6. - Parking.**

No person shall park a vehicle any place on park property other than in the regular designated facilities provided for that particular type of vehicle, unless directed otherwise by Police Officers or Recreation employees who are authorized to designate other areas for parking when conditions so warrant.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-7. - Preservation of property.**

No person in the Village of Key Biscayne shall:

- (a) Destroy, damage or remove real property or improvements thereto, or movable or personal property, belonging to the Village of Key Biscayne.
- (b) Throw or deposit, or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any public or private property, any waste or other material of any kind.
- (c) No person shall tamper or meddle with or alter the condition of any meter, valve or meter identification, or other part of such system in the Village of Key Biscayne, or appliance connected thereto, in such manner as to cause loss or damage to the owner of such facilities or the users thereof, or to create a hazard to life and property.
- (d) Tamper with, injure, deface, destroy or remove any sign, notice, marker, fire alarm box, fireplug, topographical survey monument, or any other personal property erected or placed by the Village of Key Biscayne.
- (e) Move, disturb, or take any earth, stone or other material from any public street, alley, park or other public ground.
- (f) No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or structure or other real or personal property, owned, operated, or maintained by the Village of Key Biscayne.
- (g) 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.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-8. - Picnic areas and use.**

No person shall build, light 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.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-9. - Domestic animals.**

No person shall be permitted to take any domestic animal into any park whether on leash, in arms or running at large, dogs in particular being excluded, and provisions of Metropolitan Dade County Dog Control Ordinance No. 58-28 [Sections 5-3—5-15] shall apply to any and all park property.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-10. - Pollution of waters.**

Using the fountains, bays or any other bodies of water within the parks, storm sewers or drains flowing into them as dumping places for any substance or matter which will or may result in the pollution of said waters is prohibited.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-11. - Refuse and trash.**

No person will deposit or drop or place any refuse including bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or containers of foil upon the ground or in or on any park property except in the receptacles for trash disposal.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-12. - Merchandising, vending, peddling, etc.**

No person, persons, organization or firm other than the Recreation Department or persons acting by and under the authority of the Village of Key Biscayne 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. 95-14, § 2, 11-14-95)*

**Sec. 19-13. - Public demonstration, gatherings, performances, athletic events, etc.**

- (a) No band, procession, military company, or any company or group with flags, banners, or transparencies, shall be allowed upon any park or parkway or within any park without written permission of the Village Council of the Village of Key Biscayne, said permit to clearly define the nature of the activity, the limit of its scope and time of setting forth such other restrictions and requirements as the Village may deem necessary.
- (b) No person or persons shall engage in any organized or pick-up athletic events, games, practice for same, or exercise, such as football, baseball, softball, soccer, volleyball, utilizing a substantial portion of any park or recreation area without written permit of the Recreation Department, said permit to clearly define the nature of the activity, the limit of its scope and time and setting forth such other restrictions and requirements as the Recreation Department may deem necessary.
- (c) No person or persons shall conduct fitness/training classes upon any park without first registering with the Recreation Department, paying an annual registration fee and meeting all other requirements as the

Recreation Department may deem necessary (the "Program"). The Village may adopt administratively or by resolution any and all rules and procedures for establishing and administering the Program.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-14. - 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:

The sale of alcoholic liquors or alcoholic beverages at certain special specifically designated events will be under the authorization and control of the Recreation Department through issued permits. A permit will be required for civic and social organizations and must provide a license from the proper State authorities. (See fee schedule for special event functions) Such sales shall be made only in individual drinks or cans (not in original packages, i.e. glass or otherwise in bulk) and shall be served for consumption on the immediate premises of the concession.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-15. - Drunkenness; violation of laws.**

No intoxicated person or person whose conduct is in violation of State and local laws will be permitted entry to parks or recreation areas and if discovered therein will be ejected forthwith.

*(Ord. No. 95-14, § 2, 11-14-95)*

**Sec. 19-16. - Municipal motor vehicle parking lot decal program.**

- (a) *Municipal lots established.* Municipal motor vehicle parking lots or areas may be designated by the Village Council by ordinance from time to time (collectively "Municipal Parking Lots"). The ordinance establishing each parking lot shall contain specific rules and regulations applicable to that particular lot or area. Such rules and regulations shall be enforceable as law.
- (b) *Prohibition.* It shall be unlawful to park a motor vehicle in a Municipal Parking Lot unless an authorized motor vehicle parking decal as issued by the Village pursuant to this section is displayed on such vehicle (the "Decal"). The term "vehicle" includes motor vehicles, motorcycles and golf carts.
- (c) *Issuance of Decals:*
  - (1) A Decal shall be issued by the Village upon application and payment of fees, only to persons residing within the Village. The Decal fee shall be \$1.00 per calendar year and shall be subject to annual renewal.
  - (2) The application for a Decal shall be on a form as required by the Village. One Decal shall be issued for each vehicle. A copy of the vehicle registration shall be submitted for each Decal application. Replacement Decals may be issued upon proof that the prior Decal was lost, stolen or destroyed. If the current applicant is a residential lessee, a copy of a current valid lease showing proof of residency shall be made part of the application. Residents of the Village shall

provide a copy of their motor vehicle operator's license, car registration and a recent FP&L electric service bill as proof of residency.

- (3) The Decal shall be displayed in a location on the vehicle as designated by the Village Manager.
- (4) The Village is hereby authorized to make provisions for the issuance of temporary permits to seasonal visitors or occupants of residences in the Village.

(d) *Parking in Decal area.*

- (1) A Decal shall not guarantee or reserve to the holder a parking space within a Municipal Parking Lot.
- (2) A Decal shall not authorize the holder to park in spaces or areas designated by law as restricted or prohibited parking (loading zones, fire hydrants, disabled or other such regulated areas) nor shall it exempt him or her from the observance of any traffic regulations.
- (3) The Village shall cause signs to be erected in Municipal Parking Lots, indicating the locations where Decal parking shall be permitted and clearly stating "Tow Away Zone."

(e) *Enforcement.* Vehicles found within Municipal Parking Lots, without current and valid Decals, or in violation of applicable rules and regulations:

- (1) Shall be subject to issuance of a uniform parking citation pursuant to Section 30-388.25 of the Metropolitan Dade County Code; and
- (2) Shall be subject to being towed, removed and stored pursuant to Section 30-384 of the Metropolitan Dade County Code.

(f) *Decal violations.* It shall be unlawful for any person to represent that he or she is entitled to a Decal when he or she is not entitled, or to hold or display such a Decal at any time when he or she is not so entitled.

(g) *Revocation of Decals and penalties.*

- (1) Upon provision of ten days' prior notice by mail and an opportunity to be heard by the Village Clerk, the Village Clerk is authorized to revoke the Decal of any individual found to be in violation of the provisions of this section.
- (2) Failure to surrender a revoked Decal within ten working days of written notification from the Village Clerk shall be subject to the following penalties:
  - a. The violator shall not be allowed to re-apply for another Decal for six months.
  - b. Once restored, if the Decal holder should once again have their Decal revoked by the Village Clerk, the Decal holder would be barred from applying for a new Decal for a one-year period.

(h) *Penalty.* Pursuant to section 1-14 of this Code, any person who violates any provisions of this section shall, upon conviction, be punished by a fine not to exceed \$500.00 or imprisonment in the County jail not to exceed 60 days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. Pursuant to section 2-31 et seq. of this Code, this section shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. Ch. 162, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

(Ord. No. 97-10, § 1, 4-8-97)