

**COMMERCIAL OUTDOOR FEE-BASED ACTIVITY (“COFA”)
APPLICATION FOR PERMIT**

*Commercial Use of Dedicated City Property and Parks
for Fitness, Training, Tennis and Other Outdoor Professional Services*

Type of Permit Requested

Please check predominant use:

- Fitness, Cross Training or Professional Exercise Trainer, Medium to High Impact (Group or Individual)
- Yoga, Pilates or other Light Impact Trainer
- Other
Please Define _____

Requested Permit Term:

- 12 Months (Oct. – Sept.)

Requested City Location(s)/Park(s):

Application Date: _____

Required Permit Holder Information

Name: _____

Company Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Alternate Phone Number: _____

Fax Number: _____ E-mail Address: _____

License and Certifications

Driver’s License or Identification Card Number*: _____

Cardio Pulmonary Resuscitation Certification Expiration Date*: _____

Others (such as USTA, Personal Trainer Certification, First Aid Certification, etc.):

General Liability Insurance Provider*: _____

Policy Number: _____

First Aid Certification Expiration Date: _____

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

Use Allowed

Programs/activities as described in the program activity description section herein are allowed and must adhere to the COFA Rules and Regulations attached in **EXHIBIT A**. To the extent of any conflict between the program activities authorized in this Permit and other existing uses, the City of Miami Beach reserves the right to adjust the uses authorized. This Permit may not be assigned.

Conditions of Permit

- (1) Permit holder shall clean the City/park location at the end of every session of use under this Permit.
- (2) Modifications or improvements proposed by the permit holder to obtain electric service at any location are not covered by this permit and must be approved by the City of Miami Beach before the proposed modifications or improvements may be made. Additional agreements may be required for proposed modifications or improvements, or to add locations.
- (3) Permit holder shall at all times maintain in their possession the issued permit credential in the manner prescribed by rule by the City of Miami Beach.
- (4) Permit holder shall not use the park location if the area has been closed by the City of Miami Beach due to inclement weather or other reason. The City of Miami Beach will notify the permit holder point of contact of the closure and may post signage whenever possible at the site to identify the nature and duration of the closure.
- (5) Approved park areas may be used for permitted uses only during the time specified on the permit.
- (6) The hours of use of non-park public buildings and facilities will be specified in the permit.
- (7) Applicants are limited to the use of two (2) city approved facilities per year.

Permit Fees

All applicants are required to pay a \$50.00 application fee at the time of request. In exchange for this permit, a permit holder shall also pay a nonrefundable permit fee of \$200.00 for the year. Payments must be made payable to the “City of Miami Beach.”

The permit fee is for a one (1) year permit from October 1 through September 30 (“Fiscal Year”).

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 City of Miami Beach may terminate the permit at any time if the permit holder fails to substantially adhere to the Department’s Rules and Regulations, the requirements of the COFA activity, or any terms or conditions in the Permit without payment refund of the fees paid by the permit holder.

All permit cancellations by the permit holder must be provided in writing to the City of Miami Beach.

Insurance

Permit holder has provided insurance as prescribed by rule by the City of Miami Beach and agrees to maintain, throughout the permit term, the insurance coverage described on **EXHIBIT C**, which is attached to and made a part of this permit for all purposes. The insurance policies shall contain the correct endorsements naming the City of Miami Beach as an additional insured.

Permit holder must supply evidence of any required insurance coverage to the City of Miami Beach when registrant submits the signed application. If the required evidence of insurance is not provided at the time registrant submits this application, execution of the permit by the City of Miami Beach shall be delayed until adequate evidence is provided. In addition, if at any time during the term of this permit, City of Miami Beach learns that any required insurance coverage has lapsed or been cancelled, City of Miami Beach may immediately terminate this permit.

Certifications

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

Background Checks

The City of Miami Beach shall conduct background checks on all permit applicants and may deny or revoke a permit for any reason in the City’s sole discretion based upon the information or lack of information obtained. Permit applicant must schedule an appointment for background screening with the City of Miami Beach Human Resources Department. The fee for the background check is \$75.00 payable to the “City of Miami Beach”, to be paid by applicant.

Compliance with City of Miami Beach Rules and Regulations

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

Program/Activity Description

Describe the program/activity including number of participants expected:

Describe in detail how the City Property/Park will be used:

Indemnity/Waiver

Permit holder agrees to indemnify and hold harmless the City of Miami Beach, 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 City of Miami Beach, 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 have also read, understand, and am willing to comply with the park use policies and procedures as set forth by the City of Miami Beach. I agree to the terms of this Commercial Use of Park Use Permit and application and am authorized to sign on behalf of the Permit holder.

Signature of Applicant / Printed Name / Date

Please complete this application and return to the address below:

Mailing Address:

City of Miami Beach
Parks and Recreation Department
1701 Meridian Avenue, Suite 401
Miami Beach, FL 33139

Contact:

Parks and Recreation Department
Phone: (305) 673-7000 ext. 2347

City of Miami Beach Approvals: (office use only)

Verified by:

Permit Fee Paid

Background Fee Paid

BTR Received

Insurance Approved

Certifications Received

Parks and Recreation Department

Approved by:

City of Miami Beach
Director or Designee

Print Name

Date

Exhibit A

City of Miami Beach

COFA Rules & Regulations Regarding Commercial Use of Dedicated City Property/Park

A fee and use procedure has been approved and rules developed to establish commercial use and location trends for regularly scheduled health and fitness activity in the City of Miami Beach. This program includes revisions that protect the public's use and provides health and fitness consultants; and other outdoor professional service provider's reasonable access, use-based fee structure and equipment limits to minimize damage to the City of Miami Beach.

Description

COFA	An activity where five or more individuals are engaged in an organized group that is offered by an individual or business entity for which a payment or fee is made, directly or indirectly, for the right of a person to participate or attend the Commercial Outdoor Fee Based Activity ("COFA Activity") on Public Property.
COFA Activity	<p>May include, but is not expressly limited to: clinics, exercise or physical training program(s), guided class(es) in aerobics, yoga or tai chi, self-defense or martial arts class(es), personal improvement instruction, physical education program(s), Zumba class(es), boot camp(s), circuit training, cross training, and art classes or any other class, camp, guided activity, program or related service as determined by the Parks and Recreation Director. A COFA Activity will require a permit, if any portion of a commercial transaction, activity or operation takes place, either directly or indirectly, upon the public property as identified within Section 82-1.</p> <p>It shall be unlawful for any COFA Activity to be organized, or offered at a City park or other public property for which a payment, fee or other consideration is expected to be made, without a permit issued by the Miami Beach Parks and Recreation Department.</p>
COFA Standards	The Department reserves the right, at any time, to withdraw from availability any given park or public property location(s) within the City that may have previously been available for a COFA Activity. A COFA Activity permit may be restricted to specific days, times, or months and seasons. The number of COFA Activity permits allowed at each City park will be regulated based upon daily, weekly or seasonal use; the number of participants or attendees allowed at any one time; the type of COFA Activity allowed at a given COFA park; the extent of exclusivity for use based on the type of COFA Activity allowed; the recurrence of a given COFA Activity at a specific park or other nearby parks; the locations for use of COFA Activity within City Parks; type of equipment used for COFA activities; and other requirements, limitations and conditions designed to protect the park in order to ensure that other park patrons have reasonable access to and use of the park or other public property. All of the information described above for a specified City park and the applicable requirements, limitations and conditions will be regularly posted and updated on the Department's website on miamibeachfl.gov and will be distributed to the public by such other means as determined by the Department Director or designee. The above requirements, limitations and conditions as specified by the Department are referred to in the COFA Activity Permit.

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Fitness Session	Block of time permit holder is allotted to provide service.
Regularly Scheduled Programming	Permit holder plans and schedules a series of sessions occurring in Miami Beach (i.e. daily or weekly).
Approved Locations	<p>18 City and urban area parks, as listed below, excluding off-leash areas, public walkways, and pre-defined use areas:</p> <ul style="list-style-type: none">▪ Altos Del Mar▪ Brittany Bay Park▪ Crespi Park▪ Fairway Park▪ Flamingo Park▪ Lummus Park▪ Maurice Gibb Memorial Park▪ Muss Park▪ Normandy Isle Park▪ Normandy Shores Park▪ North Shore Open Space▪ North Shore Park▪ Palm Island Park▪ Polo Park▪ Scott Rakow Youth Center▪ South Pointe Park▪ Stillwater Park▪ Tatum Park
Excluded Areas	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.
Approved Equipment	<p>Trainers may not bring equipment to City Property/parks that could damage the facility or pose a hazard to the general public.</p> <p>These items include but are not limited to:</p> <ul style="list-style-type: none">▪ Tractor tires▪ Vehicles on park property▪ Cables or railroad ties▪ Attaching equipment to trees, hand rails or other fixed items.▪ Stakes on ground, artificial turf or track <p>Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands and cones where appropriate.</p>
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.</p> <p>Alternatively if a fitness session or lesson has already begun and is in process, the general public may not interrupt an ongoing fitness class.</p>

Fee for Adult Professional Services, intended to include fitness trainers, boot camp leaders, and other exercise professionals	Fee per Trainer, Instructor: \$200 annual permit fee and \$50 application fee.
Permit Credential	ID card issued by City of Miami Beach. Permit holders are required to wear or have with them the permit credential when conducting business on City property. City retains the right to request proof of permit by requesting permit credential by any City of Miami Beach employee.
Parking Lots	Dedicated parking lots may not be used for any fitness, training or professional service purpose at any time.
Conduct	Permit holders shall be responsible for conducting the COFA in a safe and professional manner and for making certain that participants, attendees and other park patrons are treated in a courteous and respectful manner.
Right of Access	A MBPR staff person shall have full access to all activities at the COFA, at any time, in order to ensure that all rules and regulations and the Permit are being complied with.
Permit Application, Submittal and Qualifications	<p>Submittal. A person must submit an application for a COFA Activity permit, in a form prescribed by the Parks and Recreation Director, to the Parks and Recreation Department of the City. The failure to submit a completed and accurate permit application may result in the rejection or denial of the application. The submission of the permit application acknowledges the applicant's acceptance of, and willingness to, comply with those Rules and Regulations set forth by the Department and the permit.</p> <p>Qualifications. An applicant must be at least 18 years of age, and must present a valid picture identification that is issued by a governmental entity of the United States of America. The applicant must demonstrate the ability to comply with those Rules and Regulations established by the Department regarding the COFA Activity. The applicant must obtain a Miami Beach Business Tax Receipt (BTR), complete the appropriate background check through the City of Miami Beach Human Resources Department (at the applicant's sole expense), and submit copy of any other documentation required by the Department before engaging in the COFA Activity.</p>
Insurance	General liability coverage of not less than \$1,000,000 is required by the Applicant. It shall include the City of Miami Beach as additional insured, and shall contain a waiver of subrogation endorsement. All of the Permittee's certificates shall contain endorsements providing that written notice shall be given to the City at least thirty (30) days prior to termination, cancellation or reduction in coverage in the policy.
Criteria for Application Review, Approval or Denial	The Department will evaluate the application pursuant to those requirements set forth within the terms of those Rules and Regulations promulgated by the Department. The Department will consider the following criteria with respect to the proposed COFA Activity:

- (a) Whether the COFA Activity would be a violation of federal or state law or would be a violation of the City's charter, ordinances, Department's Rules and Regulations.
- (b) Whether the COFA Activity is not generally considered recreational in nature or not a common and customary use of the City's Park.
- (c) Whether it presents a substantial risk of having a negative impact on the public health, safety or welfare.
- (d) Whether it presents a substantial risk of having a negative impact on the park, and other City-owned property or nearby private property.
- (e) Whether it presents a substantial risk of having a negative impact on the public's ability to access or use the park or other public property.
- (f) The COFA Activity creates a potential for damage to the park, which exceeds the value of allowing the COFA Activity.
- (g) The COFA Activity will likely cause a substantial nuisance to other park patrons, persons travelling on City streets or to residents or occupants of nearby private property.

The Department may deny any Permit application based on a determination that the COFA Activity will be detrimental or interfere with the public health, safety and welfare of the citizens or participants.

The Department may deny an application if the application contains false or misleading statements, or where the applicant has failed or refused to provide relevant information as required by the Department's Rules and Regulations.

The Department may deny an application if a Permit for a COFA Activity has been revoked during the preceding year. The applicant may submit an explanation or evidence mitigating the circumstances under which the prior Permit was revoked, or provide documentary evidence that establishes that the permit was improperly revoked. The acceptability of such explanation or evidence shall be at the sole discretion of the Department, and does not create any rights, title, or interest to such COFA Activity permit.

If the Department approves the Permit, the applicant shall be notified in writing, and must satisfy all prescribed conditions for the issuance of the Permit. The failure to formally acknowledge, in writing, the conditions of the permit may result in the approval being withdrawn.

Sales of Services in Parks

The City prohibits the sale of merchandise pursuant to Section 82-1, and a COFA Activity permit will not authorize or permit such conduct at the City's parks or other public property. The Department will, through the issue of a permit, authorize the sales of services in parks in the nature of a COFA Activity conducted at a park, subject to the requirements of the Department's Rules and Regulations, and the terms and conditions contained in the issued Permit.

Competition

Unless expressly authorized by the Permit, a COFA Activity shall not duplicate or directly compete with existing programming provided by the Department or the Department's agents or contractors where a COFA Activity permit is issued or a Miami Beach recreational facility in or adjacent to the park or other public property where the COFA Activity permit is issued.

Suspension, Revocation, Permittee Cancellation

The Department reserves the right to suspend a COFA Activity during a certain period of time, or to revoke a Permit at any time due to unforeseen factors or

events, including but not limited to: inclement weather, poor conditions at the public property emergency repairs, closure of the park or the portion of the park, or use of the park for a City-sponsored or City-conducted event or individuals and entities that have contracted with the City for the reservation and use of Miami Beach Parks. The Department will notify the Permittee of the suspension or revocation as early as possible. An alternative park will be offered to the Permittee, if possible. The Department shall not be liable to, or financial responsible for, the permittee for the revocation or suspension of the COFA Activity permit. The conducting of a COFA Activity or entry upon or use of the park or other public property despite the Department's suspension or revocation, shall be grounds for immediate revocation of the Permit, and the removal of the Permittee from the COFA Activity program for a one year period of time.

If a Permittee fails to substantially adhere to the Department's Rules and Regulations, the requirements of the COFA Activity, or any terms or conditions in the Permit, the Department reserves the right to suspend or revoke the Permit at any time, at the discretion of the Department, and not refund the fees or charges paid by the Permittee and/or to impose restrictions or prohibitions on the Permittee as to any future permitting or use of park property, as the Department deems appropriate under the circumstances. The Department may take such actions should a Permittee fail to conduct the COFA Activity at the park.

All Permit cancellations by the Permittee must be provided in writing to the Department.

Penalties and Enforcement

- (a) The following warnings and fines shall be imposed for a violation of this section:
- (1) First Violation within a 12-month period: Warning Notice advising of the infraction, and corrective action to be within twenty four (24) hours of the issuance of the Warning Notice for all non-life safety violations of this division.
 - (2) Second violation within a twelve 12-month period \$100
 - (3) Third violation within the preceding twelve (12) months \$250
 - (4) Fourth violation within the preceding twelve (12) months \$500
 - (5) Fifth violation within the preceding twelve (12) months - revocation of the permit for the remainder of the permit year in addition to permittee being prohibited from applying for a permit for a period of one (1) permit year.
- (b) No warning notices shall be required prior to the issuance of life safety violation(s), and such violations shall be corrected immediately. Life safety violations are defined as those conditions which, in the reasonable determination and judgment of the City Manager or designee, involve serious danger and/or risk to the public health, safety or welfare (including, without limitation, blocking pedestrian pathways and violations of park rules). A life safety violation shall result in a fine of \$1,000.00.
- (c) The Department, Code Enforcement Department or the Miami Beach Police Department shall enforce the provisions of this section. If a Park Ranger Police Officer or a Code Compliance Officer finds a violation of this section, the Park Ranger. Police Officer or the Code Compliance Officer shall issue a Notice of Violation to the violator as provided in Chapter 30 of the Code, as may be amended from time to time. The Notice of Violation shall inform the violator of

the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the Violation may be appealed by requesting an administrative hearing within ten days after service of the Notice of Violation, and that failure to appeal the violation within the ten (10) days, shall constitute an admission of the violation and a waiver of the right to a hearing.

(d) Rights of violators: payment of fine; right to appear: failure to pay civil fine or to appeal.

(1) A violator who has been served with a Notice of Violation shall elect either to:

a. Pay the civil fine in the manner indicated on the Notice of Violation: or

b. Request an administrative hearing before a special master to appeal the Notice of Violation within ten (10) days of the issuance of the notice of violation.

Supervision and Control

Permit holder is responsible for the conduct and control of the participants and attendees and must take all reasonable measures to assure compliance by participants and attendees with all MBPR rules and regulations, these COFA Rules and Regulations and the Permit. All children under the age of 18 years of age must be properly and continuously supervised during a COFA. Permit holder is responsible for assuring the following adult per child ratios are complied with: Ages 3-5, one adult per five children; Ages 6-17, one adult per 15 children.

Rules and Regulations

All Park Use Rules and Regulations and Administrative Citations Rules and Regulations adopted by MBPR shall be applicable to a COFA unless otherwise expressly provided in the COFA Rules and Regulations or the issued permit. In particular, the following rules and regulations shall be applicable:

(a) A COFA shall be limited to the Miami Beach park specified in the Permit or at such park specified by an authorized MBPR representative. The Permit must be on site during a COFA and available for inspection. If MBPR provides the Permittee with other means of identification or requires the Permittee to provide other means of identification, that identification must be displayed during the COFA as specified by MBPR. The COFA must cease and the park must be vacated promptly upon expiration of the time period specified in the Permit.

(b) COFA Hours. A Miami Beach park shall be permitted for a COFA only during park operating hours. Alcohol beverages (including beer, wine, hard liquor, and mixed drinks containing any quantity of alcohol) and illegal substances are strictly prohibited. Persons appearing to be under the influence of alcohol or illegal substances will be denied access to, or directed to leave the Miami Beach park where the COFA is located.

(c) Gambling of any form is strictly prohibited.

(d) Weapons of any kind are not allowed.

(e) Any substance of an explosive, highly flammable, hazardous, or toxic nature is strictly prohibited in a Miami Beach park, including fireworks.

- (f) Any activities or conduct which results in destruction of, damage to, or removal of any trees, vegetation, amenities or features in the Miami Beach park, or other unauthorized changes to a Miami Beach park, are strictly prohibited. Any authorized changes to a Miami Beach park must be expressly stated in the Permit.
- (g) All structures, amenities, equipment and features which are part of the park where the COFA is located are to be used for their intended purposes and not converted to uses or activities for the COFA.
- (h) A COFA may not be conducted so that it blocks or significantly hinders public access to or through a park or motorized or non-motorized vehicular traffic where such traffic is allowed. This applies to, but is not limited to, park entrances, trails, sidewalks, park roads, park promenades, and parking areas.
- (i) Machinery, equipment, canopy, tent, furniture or large or heavy materials shall not be brought, installed or constructed on any Miami Beach park, unless expressly authorized in the Permit. No equipment, furniture or other amenities will be provided by MBPR.
- (j) Electrical equipment may not be connected to any electrical plug in a park without written permission of the Parks and Recreation Department. Water systems in a park, other than the ordinary use of water fountains, may not be utilized as part of a COFA without written permission of the Parks and Recreation Department.
- (k) Noise ordinances will be enforced.
- (l) No machinery, equipment, canopy or tent of any kind shall be attached or secured to any tree, facility or structure, including handrails and park sign posts.
- (m) Parking, Park Promenades, Restrooms, Pavilions, Playgrounds, Tennis Courts, Basketball Courts, Dog Parks and Dog Areas, Golf Courses, Swimming Pools and Running Tracks. Points and Parking areas and Park Promenades to the permitted park may be specified or restricted as stated in the Permit or as otherwise provided by MBPR. Restroom facilities to be used by participants and attendees may be specified or restricted as stated in the Permit or otherwise provided by MBPR. Pavilions, Playgrounds, Tennis Courts, Basketball Courts, Dog Parks and Dog Areas, Golf Courses, and Swimming Pools may not be used as part of a COFA. Running Tracks may only be utilized for its intended use of walking, jogging or running, and cannot be used for any kind of exercise. Equipment is not allowed on the Running Track. It is the responsibility of the Permittee to make certain that participants and attendees comply with any specifications or restrictions on Parking, Park Promenades, Restrooms, Pavilions, Playgrounds, Tennis Courts, Basketball Courts, Golf Courses, Swimming Pools and Running Tracks.
- (n) Trails, Paths and Park Roads. Certain types of COFA's may utilize trails, paths and park roads in or connecting to a park. MBPR reserves the right to specifically identify segments of trails, paths and park roads in the Permit that may be utilized for the COFA and only to the extent authorized

in the Permit. No more than fifty percent (50%) of the width of a trail, path or park road, excluding dedicated bicycle lanes, is to be utilized for a COFA, unless expressly authorized in the Permit. A COFA does not have exclusive or even dominant use of a trail, path or park road. Any exercises or activities conducted in periodic stops along the trail, path or park road must be performed off of the trail, path or park road but within ten feet (10') of the trail, path or park road. The participants and attendees engaged in a COFA must yield to public's right to access and use the trail, path or park road.

- (o) Public access on and use of the park, trails, paths and park roads may not be denied for a COFA or restricted to the point of hampering the public's enjoyment of the park or the park, trail, path or park road.
- (p) Motor vehicles must be parked in public parking spaces, unless the Permittee or it's participants are Miami Beach Residents and can legally park in a residential parking spot. All traffic laws and Park Use Rules and Regulations regarding the movement and location of motor vehicles shall be observed. Motor vehicle access to a location within a Miami Beach park is not allowed.
- (q) Storage of any items on site is strictly prohibited. Unattended items will be regarded as being abandoned and disposed of.
- (r) Trash and debris associated with the COFA must be bagged and promptly removed from the park. The location of the COFA and surrounding park area must be left in the same condition in which it was found.
- (s) No equipment or fitness accessories made out of polystyrene, such as foam rollers, yoga bricks and yoga mats, will be allowed on public property.
- (t) Any filming or videotaping of the COFA is not allowed unless written permission is obtained from the Parks and Recreation Department, Department of Tourism, Culture and Economic Development, or any other designated City departments.

Exhibit B

**City of Miami Beach
Background Check Consent Form**

AUTHORIZATION/CONSENT

During the application process and at any time during the tenure of my Approved Permit for Commercial Use of Dedicated City Property and Parks for Fitness, Training, Tennis and Other Outdoor Professional Services with the City of Miami Beach, I hereby understand and agree that the City of Miami Beach will initially require me to undergo a Background Check and from time to time require me to submit for subsequent Background Tests at my cost. 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/Permit Holder Signature

Date

Applicant/Permit Holder 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 Health, Fitness, Tennis and other outdoor fitness services on City of Miami Beach. This report may contain information bearing on your character, general reputation, and personal characteristics from public or private record sources.

Insurance Requirements

The following outlines the insurance requirements that are required for you to be a commercial health, fitness, Tennis and other outdoor professional service provider for the City of Miami Beach. Please give this document to your insurance agent. He/she will assist you in meeting the insurance requirements. Additionally, the City of Miami Beach will require from you a Certificate of Insurance so that we may have verification of your coverage on file.

A. General Requirements.

- (1) The registrant shall at a minimum carry insurance in the types and amounts indicated below for the duration of the Contract and during any warranty period.
- (2) The registrant shall forward Certificates of Insurance with the endorsements required below to the City of Miami Beach as verification of coverage.
- (3) Registrant shall not commence sessions until the required insurance is obtained and has been reviewed by the City of Miami Beach. Approval of insurance by the City of Miami Beach shall not relieve or decrease the liability of Registrant hereunder and shall not be construed to be a limitation of liability on the part of Registrant.
- (4) Registrant's insurance coverage shall be written by companies licensed to do business in the State of Florida at the time the policies are issued and shall be written by companies with A.M. Best ratings of B+VII or better.
- (5) All endorsements naming the City of Miami Beach as additional insured, waivers, and notices of cancellation endorsements as well as the Certificate of Insurance shall contain the following information:

**City of Miami Beach
Risk Management
Attn: Sonia Bridges
1700 Convention Center Dr., 3rd Floor
Miami Beach, FL 33139**

- (6) The "other" insurance clause shall not apply to the City of Miami Beach where the City of Miami Beach is an additional insured shown on any policy. It is intended that policies required in the application, covering both City of Miami Beach and Registrant, shall be considered primary coverage as applicable.
- (7) If insurance policies are not written for amounts specified below, Registrant shall carry Umbrella or Excess Liability Insurance for any differences in amounts specified. If Excess Liability Insurance is provided, it shall follow the form of the primary coverage.
- (8) City of Miami Beach shall be entitled, upon request and without expense, to receive certified copies of policies and endorsements thereto and may make any reasonable requests for deletion or revision or modification of particular policy terms, conditions, limitations, or exclusions except where policy provisions are established by law or regulations binding upon either of the parties hereto or the underwriter on any such policies.
- (9) City of Miami Beach reserves the right to review the insurance requirements set forth during the effective period of this permit and to make reasonable adjustments to insurance coverage, limits, and exclusions when deemed necessary and prudent by the City of Miami Beach based upon changes in statutory law, court decisions, the claims history of the industry or financial condition of the insurance company as well as Registrant.
- (10) Registrant shall not cause any insurance to be canceled nor permit any insurance to lapse during the term of the permit or as required in permit rules.
- (11) Registrant shall be responsible for premiums, deductibles and self-insured retentions, if any, stated in policies. All deductibles or self-insured retentions shall be disclosed on the Certificate of Insurance.

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(12) The insurance coverage's specified below are required minimums and are not intended to limit the responsibility or liability of the Registrant.

B. Specific Requirements.

Note: If you are a sole proprietor, then section B1: Worker's Compensation and Employers' Liability Insurance, does not apply to you. Instead, refer to Exhibit E, Workers' Compensation Insurance Requirement for Sole Proprietors. There, you will find a letter which you need to place on your company letterhead, sign, date, and return to City of Miami Beach. The letter tells City of Miami Beach that you are a sole proprietor and therefore do not need worker's compensation insurance. However, if you have employees performing services, this insurance is required.

(1) Worker's Compensation and Employers' Liability Insurance. Coverage shall be consistent with statutory benefits outlined in the Texas Worker's Compensation Act (Section 401). The minimum policy limits for Employer's Liability are \$100,000 bodily injury each accident, \$500,000 bodily injury by disease policy limit and \$100,000 bodily injury by disease each employee.

(a) The Registrant's policy shall apply to the State of Florida and include these endorsements in favor of the City of Miami Beach:

- (i) Waiver of Subrogation, Form WC 420304
- (ii) Thirty (30) days' Notice of Cancellation, Form WC 420601

(2) Commercial General Liability Insurance. The minimum bodily injury and property damage per occurrence are \$500,000 for coverage's A and B.

(a) The policy shall contain the following provisions:

- (i) Blanket contractual liability coverage for liability assumed under this Contract and all Contracts related to this project.
- (ii) Independent Registrant's Coverage.

(b) The policy shall also include these endorsements in favor of the City of Miami Beach:

- (i) Waiver of Subrogation, Endorsement CG 2404
- (ii) Thirty (30) days' Notice of Cancellation, Endorsement CG 0205
- (iii) The City of Austin listed as an additional insured, Endorsement CG 2010

(3) Professional Liability Insurance Coverage. At a minimum limit of \$100,000 per claim, to pay on behalf of the assured all sums which the assured shall become legally obligated to pay as damages by reason of any negligent act, error, or omission arising out of the performance of professional services under this permit.

If coverage is written on a claims made basis, the retroactive date shall be prior to or coincident with the date of the application and the certificate of insurance shall state that the coverage is claims made and indicate the retroactive date.

Exhibit D

Workers' Compensation Insurance Requirement for Sole Proprietors

This letter can be used by a sole proprietor who will complete the entire job by himself with no employees or subcontractors. The letter shall be written on the contractor's letterhead and be submitted with the certificate of insurance indicating coverage for all other lines of insurance required by the City of Miami Beach.

This statement is being submitted in lieu of a certificate of insurance for the workers' compensation insurance coverage required by the City of Miami Beach. I am a sole proprietor with no employees. (Name of activity) _____ will be completed by myself without employees or subcontracted assistance.

I understand that if I hire anyone as an employee I will purchase Workers' Compensation Insurance coverage for the required limits and provide a certificate of insurance indicating this coverage immediately. If I hire a subcontractor I will provide the City of Miami Beach with the required proof of insurance for Workers' Compensation for each subcontractor. I understand that Workers' Compensation is required for all persons hired by me in the performance of my services.

Print Instructor's Name

Date

Instructor's Signature