BOARD POLICY – SECTION NUMBER: 08.01.00.01

SUBJECT: USE OF COUNTY-OWNED REAL ESTATE

EFFECTIVE DATE: JUNE 6, 2018

SUPERSEDES: MARCH 23, 2016

PURPOSE

To establish a policy related to the use of County-owned property, and property controlled, leased, or managed by the County.

APPLICATION

County Property, as used in this policy, shall be defined as County-owned property and property controlled, leased, or managed by the County to the extent implementation of this policy is not inconsistent with the County's contractual obligations (hereinafter "County Property"). This policy shall not apply to the Center Place Cultural and Civic Center, the Museum of Science and Industry, George M. Steinbrenner Field, the University Area Community Center Complex, Raymond James Stadium, the Tampa Bay History Center, the Amalie Arena, the Championship Sportsplex of Tampa Bay, County parks and recreational facilities governed by Ordinance 97-14, and County facilities which have been granted a Florida state alcoholic beverage license prior to enactment of this policy.

1. If a requested use of County Property is not for profit and for a period of less than 30 days, the department or agency responsible for managing the property shall process and either approve or deny the request. Any approval of this type of use will be granted by the department or agency by letter of authorization, subject to applicable law, ordinances, rules, and regulations.

2. If a requested use of County Property is for profit or for a period of 30 days or more, the Real Estate and Facilities Services Department, in conjunction with the agency or department responsible for managing the property, shall process the request, subject to Board approval. At the time the request is presented to the Board for consideration, the County Administrator shall provide the Board with a recommendation. Approval of these types of uses will be granted by the Board, subject to applicable law, ordinances, rules, and regulations. All use of County Property for profit will require a lease for full use of the property or a license agreement for partial use of the property, and market value rent will be charged.
3. It shall be the policy of the Board to prohibit the sale, consumption, and possession of alcoholic beverages, as defined in Section 561.01(4), Florida Statutes, on County Property, except the use of alcoholic beverages may be permitted in County library facilities, which are closed to the general public and open only for the event, upon approval by the Library Advisory Board upon consideration of: (1) the nature of the event; (2) the number of attendees to the event; (3) the property requested; (4) the health, safety, and welfare of the residents of the County; (5) whether the event is for profit or not for profit; (6) the expected duration of the event; (7) the date and time of the event; and (8) any other factor that may be unique to the particular request. Notwithstanding this policy, no alcoholic beverages shall be furnished to or used by on-duty County employees while on County Property in accordance with the County’s Substance Abuse Policy.

4. Notwithstanding anything to the contrary contained in this policy, food vendors who wish to operate on County Property, with the exception of Joe Chillura Courthouse Square in downtown Tampa, in order to enhance the quality of events in support of programs operated by the County and/or its non-profit partners/support organizations, or to meet the specific needs of a County department/agency, must be approved by the department/agency charged with managing the County Property and comply with the following general requirements:

   a) Food vendors must be duly licensed and comply with all laws, regulations and policies of the applicable permitting and health agencies governing such use.

   b) Food vendors shall provide a Certificate of Insurance naming the County as additional insured and providing automobile and general liability insurance coverage to a level not less than $1,000,000.00 per occurrence, which coverage levels may be increased or amended in the future as determined by the Hillsborough County Risk Management Department.

   c) On or before the first day of the event, food vendors shall pay a fee which shall be collected and deposited in accordance with County policy by the user agency charged with managing the County Property. The fee amount will be equal to the amount shown in the vendor fees section of Board Policy #03.04.09.00 Fee Schedule and Waiver Policy for Hillsborough County Parks, Recreation and Conservation Department.

   d) The head of the user agency charged with managing the County Property may reduce or waive fees totaling $500.00 or less, subject to the criteria set forth in Board Policy #03.04.09.00.

   e) The agency responsible for managing the County Property may impose additional guidelines or requirements for such use, based on the nature and duration of the event.

   f) The agency responsible for hosting an event requiring food vendors shall coordinate public notification of such opportunities and select responding food vendors on a
first-come, first-served basis, as determined by the specific needs of the event and site constraints of the County Property and in accordance with the guidelines and requirements of user agency charged with managing the County Property.

5. The County reserves the right to require users of County Property to provide adequate security and/or traffic control, to provide proof of general liability coverage listing the County as an insured, and to execute an indemnification and hold harmless agreement on forms provided by the County.

6. County Property must be maintained in the condition in which the user received it unless the County has previously authorized improvements or changes.

7. The requested use of County Property must be legally permissible, must comply with existing law, zoning, ordinances, policies, and regulations, must not jeopardize the health, welfare, and safety of the public, and must not degrade the property.

8. County libraries located adjacent to the Center Place Cultural and Civic Center shall be notified when alcoholic beverages will be served at such facilities and adequate precautions shall be implemented by County staff to prevent the co-mingling of library patrons with guests at such events where alcoholic beverages are served.

Responsibility

The agency or department responsible for managing the property shall have the primary responsibility of supervising the public use of the property.

The County Administrator shall be responsible for determining the documentation necessary to support requests to use County Property, for determining guidelines for insurance coverage, and for presenting requests to the Board for approval of for-profit use or for use of 30 days or more.

Approved By: Board of County Commissioners
Approval Date: June 6, 2018