

**RESOLUTION NO. 2012-3535**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS APPROVING AND ADOPTING CITY OF MIAMI SPRINGS BACKGROUND INVESTIGATION AND FINGERPRINTING RULES AND REGULATIONS FOR ALL YOUTH SPORTS ORGANIZATIONS UTILIZING CITY FIELDS OR FACILITIES; PROVIDING FOR LONGEVITY OF THE RULES AND REGULATIONS; ESTABLISHING NOTIFICATION RESPONSIBILITY OF THE RULES AND REGULATIONS; AUTHORIZING ENFORCEMENT OF THE RULES AND REGULATIONS; EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 955-2007 was enacted in 2007 and codified as Section 95-06, Rules and Regulations for City Parks and Recreational Facilities; and,

**WHEREAS**, the intent of the aforesaid Ordinance and Code Section was to provide the City with legislation enabling the City Administration and City Council to establish Rules and Regulations for City Parks and Recreational facilities by Resolution; and,

**WHEREAS**, although enforced pursuant to the authority of Code Section 95-06, the Rules and Regulations for each park or recreational facility are established, deleted, amended or clarified by the adoption of appropriate City Council Resolutions; and,

**WHEREAS**, in 2007, the initial Rules and Regulations for parks and recreational facilities in the City were approved and authorized by the City Council adoption of Resolution No. 2007-3359; and,

**WHEREAS**, the Recreation Department Staff has recently reviewed the previously adopted Rules and Regulations and determined that there is a present need for more specific Rules and Regulations governing background investigations and fingerprinting of all parties involved with youth sports organizations utilizing city fields or facilities; and,

**WHEREAS**, pursuant to Code Section 95-06, the Recreation Department Staff has promulgated and submitted the required new Rules and Regulations to the City Manager for approval and transmission to the City Council for adoption; and,

**WHEREAS**, the City Council has received and reviewed the proposed Rules and Regulations from the City Manager for official adoption; and,

**WHEREAS**, the City Council has determined that it is in the best interests of the City and its citizens to adopt the Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities, as has been proposed to, and approved by, the City Administrative Staff and City Manager:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That the City Council of the City of Miami Springs hereby approves and adopts the Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities as provided in Exhibit No. 1 attached hereto and by this reference made a part hereof.

**Section 2:** That the aforesaid Background Investigation and Fingerprinting Rules and Regulations supersede the existing Rules and Regulations adopted by prior City Resolution No. 2007-3359, and shall remain in full force and effect until supplemented, deleted, amended or clarified by subsequent City Council Resolution in accordance with the provisions of Code of Ordinance Section 95-06(C).

**Section 3:** That the City's Recreation Department and Police Department shall have the joint duty and responsibility to notify all persons of the aforesaid Rules and Regulations in accordance with the provisions of Code of Ordinance Section 95-06(D).

**Section 4:** That the Rules and Regulations approved and adopted by this Resolution shall be enforced pursuant to the provisions of Code of Ordinance Section 95-06(E).

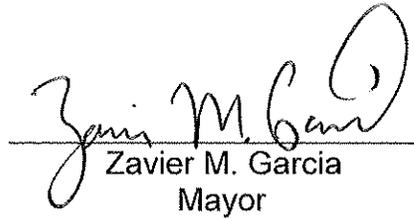
**Section 5:** That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

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**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida,  
this 9<sup>th</sup> day of January, 2012.

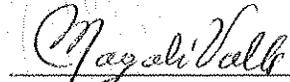
The motion to adopt the foregoing resolution was offered by  
Vice Mayor Espino, seconded by Councilman Best, and on roll  
call the following vote ensued:

Vice Mayor Espino	"aye"
Councilman Best	"aye"
Councilman Lob	"abstained"
Councilwoman Ator	"aye"
Mayor Garcia	"aye"

  
Zavier M. Garcia  
Mayor



**ATTEST:**

  
Magaly Valls, CMC  
City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

  
Jan K. Seiden, City Attorney

## Exhibit No. 1

### City of Miami Springs Background Investigation and Fingerprinting Rules and Regulations for all Youth Sports Organizations Utilizing City Fields or Facilities.

- All persons eighteen (18) years of age or older including, but not limited to, all coaches, umpires, managers, officials, members, employees, volunteers or assistants (“Sports Program Participants”) associated in any manner with the operation of programs and/or activities of any Youth Sports Organization utilizing City-owned properties or facilities shall be required to comply with the City’s Youth Sports Organization Program policy and maintain certification from the City in accordance with this policy.
- All YSO participating parties previously identified herein shall be required to attend and complete the City of Miami Springs Sports Program Participation Course and shall comply with, and satisfy all, criminal background investigation and fingerprinting requirements as set forth in the City’s policy (I have the Coaches Clinic Booklet).
- The City of Miami Springs Sports Program Participation Course will cover topics such as codes of conduct, sportsmanship, safety rules, Thorgard and the purpose of involvement with the respective programs. The Sports Program Participation Course shall be offered on dates to be determined and all persons desiring to participate in activities associated with their respective YSO shall be required to attend and complete the Sports Program Participation Course.
- Upon completion of the Sports Program Participation Course, the City shall issue to all Sports Program Participants an attendance certificate which shall remain valid for one year from the issuance date.
- In addition, Sports Program Participants are required to undergo criminal background investigations and fingerprinting mandated by the Florida Department of Children and Families. Background investigations shall be conducted on an annual basis and shall be completed prior to the start of seasonal play and/or practice for the same. Fingerprinting is also required by the State of Florida Department of Children and Families. Fingerprinting remains valid for a period of five (5) years.

- The City in its sole and exclusive discretion, shall annually determine the amount each YSO shall be required to charge each program participant to help the City defray the costs of conducting the required background investigations and fingerprinting.
- Each YSO shall be responsible for conducting whatever annual background investigations are required by their national sponsoring organizations and to submit the results of each background investigation to the City in accordance with this policy. In addition, compliance with the mandated background investigations required herein by the City shall be conducted by the City of Miami Springs Police Department. Upon receiving advance approval from the City, any YSO may have their criminal background investigations processed by their national sponsoring organizations if such investigations comply with the standards and requirements of the Florida Department of Children and Families, include a national criminal background investigation (including a search of the Sexual Predator/Offender database maintained by the Florida Department of Law Enforcement (“FDLE”)), and requires fingerprinting of each Sports Program Participant.
- Background investigations shall include the following:
  - Statewide investigation includes, but is not limited to, criminal and juvenile background investigations, as provided in Exhibit “A” attached hereto (the Florida Department of Children and Families background check policy adopted by the City).
  - Federal criminal investigations.
  - Social Security verification.
  - Search of Sexual Predator/Offender database maintained by the FDLE.
- Based upon the results of individual background investigations, the City shall make determinations as to the eligibility of each proposed Sports Program Participant. The City shall notify all of the YSO Sports Program Participants of the City’s determination of eligibility within five (5) days of completion of the background investigations. It should be noted, however, that any conviction of a criminal offense will automatically exclude the proposed participant.

- The City shall issue all Sports Program Participants a picture identification card verifying eligibility for participation for the upcoming YSO season, subject to the following conditions:
  - Sports Program Participation Cards shall be valid for twelve (12) months from the date of issuance.
  - Background investigations shall be conducted yearly.
  - The City reserves the right to revoke individual certifications based upon further or additional investigations and reviews of conduct deemed inappropriate for Sports Program Participants.
  - Identification cards shall be carried at all times while participating in all YSO activities, and participants shall, upon request, present their identification cards to any City or YSO official.
  - Should any Sports Program Participant be confirmed as eligible for participation and later be arrested of any crime or violation, the participant shall immediately notify their respective YSO, who shall immediately remove said participant from its eligibility list until the case against the participant is formally adjudicated. Any participant's failure to notify the YSO shall result in the automatic revocation of certification and eligibility, regardless of the legal outcome of the pending case against the participant.
  - The City may, at any time, conduct random certification checks. If at any time a team/activity is found to be without a certified Sports Program Participant, said activity will immediately be terminated and may only resume once a certified Sports Program Participant is present to assume responsibility for the activity. In the event an activity is found to be without a Certified Volunteer, the YSO will be notified in writing of the violation.
  - If the YSO is found to be in violation of this policy in excess of three (3) times during any season, the City may suspend the YSO from using City facilities. Additionally, the City may, in its sole discretion, require that any future agreements or arrangements with said YSO be issued on a probationary status. If said YSO is involved in any violations during their probationary period, said YSO authorization for use of City facilities shall be terminated. If the YSO successfully completes a year of probation without any violations, said YSO may be returned to normal status for the next league season.

- Prior to the first game of the season, each YSO shall provide the City with a copy of each team roster specifying the team name, uniform color, and the names, addresses and phone numbers of all team Sports Program Participants. The City shall also provide copies of the identification cards for each Sports Program Participant to each YSO. Each YSO shall maintain a current and accurate roster of all authorized and eligible participants and shall notify the City immediately upon any change in the roster or change in status of any participant.
  
- The City shall continually monitor the operation of each YSO and maintain authority over each YSO to insure that each program is in compliance and operated properly.