

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: 1.0 ADMINISTRATION	CODE NUMBER: AC-1-19
TITLE: Lee County Advertising Policies and Standards	ADOPTED: 8/31/99
	AMENDED:
	ORIGINATING DEPARTMENT: County Attorney

PURPOSE/SCOPE:

In general, the following policies are meant to protect the interests and the image of Lee County while maximizing revenues received from advertisers.

Lee County government seeks to place advertisements on property of Lee County for the purpose of generating additional revenues. In doing so, the Board of County Commissioners recognizes the need to protect the County's property from advertising which may be deemed inappropriate by the members of the community using the County's facilities or observing the advertising on public rights-of-ways.

While each County Department and Division may include its own procedures and contracts for the placement of advertisements which may be generated by a particular Department and Division, the County, recognizes that these policies will control all advertising placed on public property under the jurisdiction of the Board of County Commissioners.

Airports and other property under the jurisdiction of, or operated by, the Lee County Port Authority, are exempt from the provisions of this Administrative Code.

Compliance with this Administrative Code does not guarantee the right of placement of any advertisement.

This Administrative Code is supplemental to the Lee County Sign Ordinance. If there are conflicting provisions, the Lee County Sign Ordinance will prevail.

POLICY/PROCEDURE:

- I. Any advertisement placed upon public property under the jurisdiction of the Board of County Commissioners is subject to this Administrative Code. Any and all advertisements must be submitted to the specific County Department and Division who is responsible for that particular property or advertising material, under the following conditions:
 - a. The advertiser shall submit the information for placement to the appropriate Department. If the Department is using an advertising and marketing agency, the

agency will provide a copy in advance to the person designated at the Department to review the copy and illustrations.

- b. No alterations may be made to the advertisement submitted without the consent of the person designated at the Department to review the copy and illustrations.
- c. The advertiser will indemnify the County against all liability for infringement of trademarks, trade names, copyrights, invasion of rights of privacy, defamation and illegal competition or unfair trade practices.
- d. Any advertisements containing credit terms must comply with the federal Truth in Lending Act.
- e. Advertising may be rejected or refused if it conflicts with a contractual requirement of the facility, when that facility has a sponsor that was awarded certain rights through a competitive bidding process.

II. The following types of advertising are prohibited:

- a. Advertising that advocates violence, crime or anti-social behavior, or presents violence, crime or anti-social behavior as erotic, entertaining, amusing or acceptable.
- b. Advertising that promotes pornography or businesses that traffic in pornography. This applies to any X-rated or NR-rated movies.
- c. Advertising where individuals that are protected under federal law are being displayed or shown as being inferior, demeaning or contemptible.
- d. Advertising that states or implies endorsement of a product or service by Lee County.
- e. Advertising that is obscene (i.e., patently offensive sexual material lacking literary, social, artistic and/or political value that appeals to the prurient interest of a person of average sensibilities).
- f. Advertising that is false, misleading, deceptive or relates to an illegal activity.
- g. Advertising that includes language or graphic depictions that are obscene, profane or libelous.
- h. Advertising that is vulgar or is intended to be disreputable to a person, business or organization.
- i. Advertising that appears as graffiti, gang signs or symbols, encourages graffiti, or appears to encourage the destruction or marking of property of any sort. (Copy and graphics using "graffiti" style art may be deemed acceptable, if, in the judgment of

the Contract Officer, such style art does not imply or appear as destructive, malicious or inappropriate in its context.)

- j. Advertising that promotes any alcoholic beverage or alcoholic beverage consumption, except in the situation where alcoholic beverages are sold and consumed at county facilities, then limited advertising may be allowed to sell alcoholic beverages available at the facility. Space may be sold and/or otherwise provided featuring an alcoholic beverage brand and/or company when the brand and/or company is a sponsor of an event. However, the advertisement may not encourage the purchase and/or consumption of the alcoholic beverage.
- k. Advertising that promotes the use of any tobacco product or any tobacco-related product.
- l. Advertising that promotes any candidate for public office or urges support for or opposition to a particular issue, or any issue which will be brought to a vote of the citizens, party or candidate for public office, except under the following conditions:
 - i. Materials may be placed at county facilities promoting candidates or issues when a county facility is being rented by a group supporting any candidate for public office or urging support for or opposition to any particular issue which will be brought to a vote of the citizens, party or candidate for public office.
 - ii. No advertisement allowed under these conditions may be placed where it is prohibited by other criteria in this Administrative Code, specifically Rule II.a., prohibiting any advertising advocating violence, crime or anti-social behavior, or presenting violence, crime or anti-social behavior as erotic, entertaining, amusing or acceptable.
 - iii. Such materials placement will be limited to being displayed in the facility being rented for the group's use and one identification sign outside the facility.
 - iv. While political advertisements will not be able to be purchased through any Lee County advertising program, nothing in this Administrative Code is to be construed as prohibiting any lawfully erected sign to be placed, consistent with Lee County Sign Ordinance or the Lee County Right-of-Way Ordinance.
- III. Lee County reserves the right to reject any artwork or design on the basis of aesthetics, or any effect the placement may have on the operations, maintenance or safety of the County property.
- IV. Fully and partially illustrated buses must comply with the above policies. In addition, all fully or partially illustrated bus designs must be submitted to Lee County Transit for review and approval prior to application. Such review will take into consideration compliance with

the above policies as well as any effect the design may have on operations, maintenance, safety and passenger comfort.

- V. Lee County reserves the right to disapprove any advertisement that, in Lee County's sole discretion, does not comply with the above policies.
- VI. Lee County reserves the right to discontinue its advertisement programs in any or all of the public property under the jurisdiction of the Board of County Commissioners at any time. Nothing in this Administrative Code should be deemed as to provide for a vesting of rights to remain or place advertisements on any county property. Contracts for the placement of advertising on property shall contain a provision providing for the termination of any such contracts for the County's convenience without penalties to the County.
- VII. If Lee County denies the placement of a particular advertisement pursuant to this Administrative Code, the Director of that County Department who is operating the particular Advertising and Marketing program will notify the advertiser within twenty (20) days and will state the reason(s) for the denial. Upon receipt of the notification letter, the person seeking to place the advertisement has thirty (30) days to file a petition to the Board of County Commissioners for review and final administrative decision with respect to the denial; such decision to be given by the Board of County Commissioners at a regularly scheduled meeting after presentation by the petitioning party. If the Board of County Commissioners supports the Department Director's denial of the advertising, the aggrieved party has thirty (30) days to seek any other available remedies at law.