

COLLIER AREA TRANSIT ADVERTISING POLICY AND STANDARDS

I. Purpose/Scope

Collier Area Transit (“CAT”) is a public transit system created and operated by the Collier County Board of County Commissioners for Collier County, Florida (“Collier County” or the “County”). Collier County owns and operates buses, bus shelters, intermodal transfer facilities and other properties (collectively referred to as “Transit Facilities”) in conjunction with operating the CAT system. The CAT system is a vital component of the various public services the County provides within its service area. The primary purpose of the CAT system is to provide safe and efficient public transportation.

CAT is funded by a combination of federal, State and local funds, as well as fare box revenue. It is in the public interest to implement the following advertising policy to protect the interests and the image of Collier County while maximizing revenues received from advertisers. The County’s fundamental objective in selling advertising space inside its transit buses and transit and transfer terminals, consistent with this policy, is to maximize and generate revenues to supplement fares and cover un-funded operating costs. The County’s sale and display of advertising is not intended to provide a general public forum for expressive activities or public discourse and debate. Consistent with the County’s proprietary function to operate CAT as a provider of public transportation, the County retains strict control over the nature of the advertisements accepted for display in its Transit Facilities and maintains its advertising space as a limited public forum.

In establishing this policy, the County recognizes the need to protect its property from advertising that may be deemed inappropriate by members of the community using the Transit Facilities or those observing advertising while utilizing the transit system. In order to realize the maximum benefit from the sale of advertising space, the program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising does not: (1) discourage the use of the County’s transit system, (2) diminish CAT’s reputation in the community it serves, or (3) weaken the good will of its patrons; while at the same time remaining consistent with the County’s primary goal of providing safe and efficient public transportation. In order to achieve those objectives, the County has established the following viewpoint neutral policies regulating advertising displayed in and upon its Transit Facilities so as to foster a professional advertising environment that maximizes advertising revenue.

This policy is supplemental to the sign requirements in the Collier County Land Development Code (LDC). If there are conflicting provisions, the LDC will prevail.

1.01 Nonpublic Forum; Commercial/Proprietary Functions. The County will rent space on its Transit Facilities for limited types of advertising (“Permitted Advertising”). By allowing limited types of advertising within its buses, interior portions of its transit terminals and as otherwise more specifically provided herein and by providing limited space at no charge pursuant to this policy, the County does not intend to create a public forum for public discourse or expressive activity, or to provide a forum for all types of advertisements. The display of Permitted Advertising upon payment of rent in accordance with the County’s adopted advertisement rate for designated Transit Facilities is intended only to supplement fare revenue and other income that funds the County’s transit system.

1.02 Certain Excluded Advertising. The County will not accept for display on its Transit Facilities the types of advertising defined in Section 2.03 of these policies and standards (“Prohibited Advertising Material”). By not accepting Prohibited Advertising Material, the County can:

- (a) Maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its transit system;
- (b) Maintain an image of neutrality on political, religious and other noncommercial and controversial subject matters that are the subject of public debate and concern;
- (c) Protect passengers, employees and CAT Transit facilities from harm or damage that can result from an individual’s reactions to political, demeaning, disparaging or controversial materials if such restrictions are not in place;
- (d) Help build and retain transit ridership; and
- (e) Avoid claims of discrimination and maintain a non-discriminatory environment for transit customers.

1.03 Limits on Permitted Advertising. Placing reasonable limits on Permitted Advertising displayed on its Transit Facilities will enable CAT to:

- (a) Avoid subjecting its passengers and other members of the public to material that may discourage them from using public transit services;
- (b) Maintain an image of professionalism and decorum;
- (c) Avoid displaying material that is not suitable for viewing by minors who ride on CAT’s buses; and
- (d) Maximize revenues by attracting and maintaining the patronage of passengers.

II. Advertising Policies

2.01 Transit Facilities Designated for Advertising. The County will make space available for Permitted Advertising limited to the following CAT Transit Facilities:

- Interior transit terminal
- Interior bus cards
- Verbal and visual onboard announcements utilizing the intelligent transportation system equipment
- Verbal and visual announcements at the transfer facility utilizing the intelligent transportation system equipment and smart card media

The County shall not allow advertisements to be displayed or maintained on those CAT Transit Facilities if they contain Prohibited Advertising Material as more fully described below in Section 2.03.

2.02 Permitted Advertising. Subject to the viewpoint-neutral Prohibited Advertising Material standards contained in Section 2.03 of this policy, the County will accept “Permitted Advertising” for display or placement on designated CAT Transit Facilities. For the purposes of this policy, “Permitted Advertising” is advertising that:

- (a) Does not include Prohibited Advertising Material as identified in Section 2.03 of this policy; and
- (b) Generally relates to the economic interests of the advertiser and its audience.

Advertising defined in Section 3.02 also is Permitted Advertising.

2.03 Prohibited Advertising Material. For the purposes of these policies and standards, the advertising described in this Section 2.03 is “Prohibited Advertising Material.” The County shall not accept advertisements for display, posting or placement within its buses or other Transit Facilities that include the following:

- (a) **Alcoholic Beverages.** Advertisements and images soliciting or promoting the sale or consumption of alcoholic beverages.
- (b) **Tobacco Products.** Advertisements and images soliciting or promoting the sale or use of tobacco products including, but not limited to, cigarettes, cigars, smokeless tobacco and other tobacco-related products.
- (c) **Advertisements about Collier Area Transit.** Advertisements and images that relate to CAT services, except public service advertisements provided by CAT itself.

(d) **Religious Advertising.** Advertising in which the primary message is one promoting or opposing religion, particular religions, religious issues, or religious doctrines; however, advertisements by religious entities promoting a commercial event or activity, such as a fair are acceptable.

(e) **Political and Social Issue Advertising.** Advertising in which the primary message is one promoting or opposing a particular view on political or social issues and/or advertisements that promote, advocate or oppose a political party, the election of any candidate or group of candidates for federal, State or local government offices, or initiatives, referendums or other ballot measures.

(f) **False, Misleading, Deceptive, Demeaning, Disparaging or Disrespectful Advertising.** Advertising or any material or information in the advertising that is false, misleading or deceptive, or that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable or disrespectful to persons, groups, businesses or organizations, including advertising that portrays individuals as inferior, evil or contemptible because of their race, color, creed, sex, pregnancy, age, religion, ancestry, national origin, marital status, disability, including those related to pregnancy or child birth, or any other characteristic protected under federal or State law.

(g) **Unauthorized Endorsement.** Advertising that implies or declares that the County endorses a product, service, point-of-view, event or program. The prohibition against endorsement does not apply to advertising for a service, event or program for which the County is an official sponsor, co-sponsor or participant, provided the County gives prior approval regarding the endorsement.

(h) **Obscene Material or Nudity.** Advertising that contains obscene materials, nudity or that displays sexual conduct or information in a manner that would be offensive to a reasonably prudent person of average sensitivity in the community. For purposes of this standard, the terms “obscene” and “nudity” shall have the meanings contained in Florida Statutes, as may be amended from time to time.

(i) **Unlawful Goods or Services.** Advertising or any material or information in the advertising that depicts, promotes or reasonably appears to encourage the use or possession of unlawful or illegal goods or services.

(j) **Unlawful Conduct.** Advertising or any material or information in the advertising that: depicts, promotes or reasonably appears to encourage unlawful or illegal behavior or conduct, including unlawful behavior of a violent or antisocial nature; is libelous or an infringement of copyright; is otherwise unlawful or illegal; or is likely to subject Collier County to liability.

(k) **Pornography and “Adult-oriented” goods or services.** Advertising that promotes or businesses that traffic pornography, displays images associated with

adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult internet sites, X-rated, NC-17 or NR rated movies, escort services and all other adult-oriented goods or services.

(l) **Graffiti or gang signs or symbols.** Advertising that uses images or symbols that depict or represent graffiti, gang signs or symbols, or encourage graffiti or gang signs or symbols, or appear to encourage the unlawful destruction or marking of property of any sort.

(m) **Firearms and Weapons.** Advertising that contains images or depictions of firearms or other weapons.

(n) **Internet Addresses and Telephone Numbers.** Advertising that directs viewers to Internet addresses or telephone numbers that contain materials, images or information that would violate these advertising standards if the materials, images or information were contained in advertising displayed or posted on CAT Transit Facilities.

(o) **Violence.** Advertisements that advocates, names or contains images or descriptions of violence, criminal or anti-social behavior, or presents violence, crime or anti-social behavior as erotic, entertaining, amusing or acceptable, or depicts weapons or other implements or devices associated with an act(s) of violence or harm to a person or animal.

(p) **Human Reproduction/Sexuality.** Advertisements associated with or which may be associated with products or services related to human reproduction, sexuality, or sexual stimulation, including but not limited to contraceptive products or services, other products or services related to sexual hygiene and counseling with regard to pregnancy, abortion or other sexual matters or entertainment directed to sexual stimulation.

(q) **Video Games.** Advertisements that promote or depict video games that are rated "A" or "M."

(q) **Violation of Law.** No advertising shall be displayed if the display thereof would violate any federal or State law or regulation, or any law, regulation, or ordinance of the County.

III. Other Prohibitions, Allowances and Limitations

3.01 Prohibitions on Literature or Product Distribution and Leafleting. CAT's purpose in operating a public transit system is to meet the public's need for efficient, effective and safe public transportation. CAT Transit Facilities are not intended to be public forums for public discourse or expressive activity.

Literature or product distributions, leafleting and similar activities can disrupt or delay passengers who are boarding and exiting buses and other transit vehicles, distract passengers, distract bus operators, cause maintenance issues, and otherwise create safety issues for passengers, operators and surrounding traffic. Accordingly, distribution of literature, leafleting, and other informational or activities are prohibited within CAT Transit buses or other transit vehicles and within CAT Transit Facilities, except for the provision of leaflets and information provided by CAT itself that are related to provision of or are for the benefit of transportation-related public services or public events sponsored by Collier County.

- 3.02 Other Permitted Advertising and Public Service Announcements.** The County may make advertising space available for advertising proposed by governmental agencies (examples include: ads informing the public about programs, services or events). On a limited basis, The County may make unpaid advertising space available for public service announcements. Costs associated with the design, production, installation and removal of public service announcements are the responsibility of the governmental agency requesting the public service announcement. The advertising and public service announcements permitted under this section cannot contain displays or messages that qualify as Prohibited Advertising Material under Section 2.03 and must comply with these advertising policies and standards. Unless the source of the advertising or public service announcement is obvious from the content or copy, the advertisement or public service announcement, whether paid or un-paid, must specifically identify the sponsor of the advertisement or the message.
- 3.03 Space Availability.** The County limits the amount of space on its Transit Facilities available for advertising and does not represent that it can accommodate all requests for advertising space. Advertising space will be made available only on CAT Transit Facilities designated by the County. No advertising, signs and other types of postings or messages may be displayed, posted or placed on any other CAT Transit Facilities.
- 3.04 Artwork.** Collier 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.
- 3.05 Reservation of Rights.** The County reserves the right to amend these policies and standards at anytime. Subject to any contractual obligations, the County reserves the right to discontinue advertising on CAT Transit Facilities and discontinue accepting advertising for display or posting on CAT Transit Facilities. The County reserves the right to limit the availability of advertising space on its Transit Facilities and remove advertising that does not comply with these advertising policies and standards and, subject to any contractual obligations. Nothing in this policy should be deemed as to provide for a vesting of rights to

remain or place advertisements on Collier Area Transit 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. Any of the provisions of this policy shall be deemed severable.

3.06 Sponsor Attribution and Contact Information. Any advertising in which the identity of the sponsor is not readily and unambiguously identifiable must include the following phrase to identify the sponsor in clearly visible letters (no smaller than 24 point type):

Paid for by _____

IV. Advertising Agreements

4.01 Sale of Advertising. The sale of advertising may either be sold directly by the County or through one or more independent contractors selected in accordance with the County's competitive procurement procedures. If the County elects to use an advertising and marketing agency to solicit advertisers, the selected contractor(s) shall comply with this advertising policy.

4.02 Approval. All advertisers are required to sign an advertising agreement as approved by the Collier County Board of Commissioners. All agreements will be reviewed by the County Attorney's Office for form and legality. The agreements will specify the term, type of advertisement, rate and other applicable clauses, including but not limited to liability and indemnification.

4.03 Indemnification. All advertisers will indemnify and hold the County harmless from any and all claims including but not limited to infringement of trademarks, trade names, copyrights, invasion of rights for privacy, defamation, illegal competition or unfair trade practices brought forth as a result of any advertisement government by this policy.

4.04 Background Check. Advertisers cannot be included on the Federal Excluded Parties List System ("EPLS"), the State of Florida's Department of Management Services Convicted/Suspended/Discriminatory/Compliant vendor list, or other such lists required by the County.

V. Submission of Advertisements and Appeals from Adverse Advertising Decisions

- 5.01 Submission of Advertisements.** Any and all advertisements must be submitted to the County's Alternative Transportation Modes (ATM) Department. If ATM is using an advertising and marketing agency, those contractors shall comply with these policies and review all advertising with reference to them. They shall refer all such advertising that falls or may fall into any of the categories defined herein to the County's Public Transit Manager who shall determine whether the proposed advertising will be accepted. Any advertising and marketing agency hired by the County shall provide a copy of the proposed advertisement upon receipt to the County's Public Transit Manager to review the copy and illustrations.
- 5.02 Initial Reviews.** The County's Public Transit Manager will make initial decisions about accepting or rejecting proposed advertising. The decisions will be based on these policies and standards. The County's Public Transit Manager, or other designated CAT Transit staff, will work with advertisers to resolve issues about advertisements that do not comply with these policies and procedures. Possible resolutions may include modification of the art, copy, or both.
- 5.03 Appeals to Alternative Modes Transportation ("ATM") Director.** An advertiser may appeal a decision to reject or remove an advertisement by filing a written request with the County's ATM Director within five (5) business days after the rejection or removal decision. The advertiser's request shall state why the advertiser disagrees with the decision in light of the County's advertising policies and standards. The ATM Director shall consult with the County Attorney's Office and other appropriate County staff to review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request. The ATM Director will make a decision on the request and will notify the advertiser of the decision in writing within ten (10) business days after receiving the advertiser's appeal. The decision of the ATM Director shall be final and conclusive.

VI. Advertisement Specifications, Dimensions and Rates.

6.01 Submission of Advertising – Form.

- a. Art files, photos and/or logos must be provided to the County's Public Transit Manager in a format and resolution deemed acceptable for the type of advertising being requested.
- b. Interior transit terminals and bus interior cards must measure exactly 11" tall and cannot exceed 17" in width. Cards must be printed on a material thick enough that the card does not fall out of the rack. Advertisers must arrange and pay for design and production of cards independently.

- c. Written announcement scripts for the ITS equipment must be provided to the PTM in both English and Spanish, however the PTM reserves the right to request in any additional language as may be required by the adopted Limited English Proficiency plan. Verbal message shall be limited to one minute recorded length.
- d. Smart media cards are limited to 2" X 3". Smart media card printing shall be the responsibility of Collier Area Transit. Printing costs for smart media cards are included in the advertising rates.

6.02 Advertising Rates. The County's rates for Permitted Advertising on CAT designated CAT Transit Facilities are as follows:

Type	# of cards purchased	Rate per Month per Card
Interior Terminal Card	1	\$150.00
Interior Terminal Card	5+	\$100.00
Interior Bus Card	5 – 14	\$25.00
Interior Bus Card	15+	\$20.00
Smart Card	50 – 99	\$7.00
Smart Card	100 – 500	\$6.00
Smart Card	500+	\$5.00

Type	Frequency	Rate per Month
Announcements	One time per run per route and every hour at a transfer facility	\$500