

**Harbor Bay Community Development District**  
**Standards for Advertising**  
(adopted December 20, 2018)

1. **Generally; Purpose.** The Harbor Bay Community Development District (“**District**”) was created pursuant to the provisions of Chapter 190, Florida Statutes and was established to provide for the ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction. The purpose of these standards (“**Standards**”) is to establish a set of guidelines for advertising, whether conducted by the District through its newsletter, community bulletin board, or other form of advertising (“**Advertising Medium**”). The fundamental purpose of District advertising is to provide a means by which to augment the District’s operating budgets, and the Standards are designed to protect and promote the health, safety and welfare of residents within the District, consistent with that fundamental purpose.
  
2. **Application.**
  - (a) In order to place an advertisement in an available Advertising Medium offered by the District (contact the District Manager for a current list), an applicant shall submit to the District an advertising application which shall set forth in writing a complete description of the proposed advertisement, including:
    - i. The name, address and telephone number of the persons applying to advertise within the District; and
    - ii. Complete description of the advertisement, including typography, sizing and actual text. In the alternative, applicants may attach an image of the proposed advertisement to the application.
  
  - (b) Each applicant shall obtain and attach to the application the written consent for the display of such advertisement of the person having the right to use, and possession of, the advertisement’s content.
  
  - (c) 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: “Paid for by \_\_\_\_\_”
  
  - (d) Each applicant shall enter into an agreement with the District for advertising, which agreement may require the payment of an advertising fee. Any advertising revenues will be used to augment the District’s operating budgets.
  
  - (e) Applications shall be considered on a first-come, first-served basis and may be denied due to lack of availability of space for advertising, among other reasons.

### **3. Limited Public Forum Status; Prohibited Advertisements.**

- (a) The District's acceptance of advertising does not provide or create a general public forum for expression. Rather, as noted, the District's fundamental purpose behind allowing advertisements is to generate revenue to support the District's operating budgets, and the Standards are intended to protect and promote the health, safety and welfare of residents within the District.
- (b) In furtherance of that limited purpose, the District retains strict control over the nature of the advertisements accepted, and finds that the following advertisements are not consistent with the limited purpose and Standards of the advertisement program and thus shall be prohibited:
  - i. Advertisements promoting obscene material, sexually-explicit material or illegal activities;
  - ii. Advertisement promoting alcohol or tobacco products; firearms; adult/mature rated films, television, or video games; or adult entertainment facilities or services;
  - iii. Advertisements that are false or misleading;
  - iv. Advertisements that contain any material that is an infringement of copyright, trademark or service mark, or is otherwise unlawful or illegal;
  - v. Advertisements that promote any activity or product that is illegal under federal, state, or local law;
  - vi. Advertisements that contain any profane language, or portray images or descriptions of graphic violence;
  - vii. Advertisements that are demeaning or disparaging toward an individual, group of individuals, entity, or entities;
  - viii. Advertisements that are harmful or disruptive to the District.

**4. No Endorsement.** The District's acceptance of an advertisement from an applicant in no way constitutes an endorsement of the content or message of the advertisement.

**5. Reservation of Rights.** The District reserves the right to suspend, modify or revoke the application of any of the Standards in this policy as the District's Board deems necessary in its sole discretion to comply with legal mandates, to accommodate the primary purpose of this policy, or otherwise to further serve the best interests of the District.

**Severability.** If any provision of these Standards for Advertising, or the application of these Standards to any person or circumstance, is held invalid, the remainder of this Standards for Advertising and the application to other persons or circumstances remain in effect.