PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE ADVERTISING MARKET PROGRAM; REPEALING AND REPLACING SECTION 13.62 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AUTHORIZING THE COUNTY ADMINISTRATOR TO ADMINISTER AND PERIODICALLY UPDATE THE ADVERTISING AND MARKETING PROGRAM; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, in 2007, the Broward County Board of County Commissioners ("Board") established a marketing program to permit certain limited uses of County property for revenue-based opportunities and other creative marketing strategies for the economic benefit of the County, while also protecting the County's image;

WHEREAS, permitting certain limited advertising on County property is not intended to create a public forum for communication, but rather is a means of securing economic benefits and other valuable consideration for the County; and

WHEREAS, the Board finds it to be in the best interest of the County to remove the marketing program from the Broward County Administrative Code and instead allow the marketing program to be administered and updated periodically by the County Administrator in accordance with the then-current goals, guidance, and directives of the Board, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 13.62 of the Broward County Administrative Code is hereby repealed in its entirety, and a new Section 13.62 is hereby created to read as follows: [Underlining omitted]

13.62. Advertising and Marketing Program.

a. *Establishment and purpose of the program.* There is hereby established an Advertising and Marketing Program ("Program") for the County, which shall be administered and periodically updated by the County Administrator. The purpose of the Program is to encourage the use of revenue-based opportunities and other creative marketing strategies to generate new revenues, enhance services, offset program costs, and expand educational outreach through relationships with private sector entities, nonprofit organizations, and other governments; and to establish standards for implementation that protect the County's image. The subject matter and medium of advertising and naming rights addressed by the Program are not intended to provide a public forum for purposes of communication, but rather are intended to maximize the use of County property held in a proprietary capacity in order to generate revenue for the County or to obtain other good and valuable consideration that benefits the County.

b. *Program development and administration.* The County Administrator shall develop the Program and submit it to the Board for approval prior to implementation. The Program will be periodically reviewed and updated by the County Administrator, with Board approval required prior to implementation of any material modifications. The Program shall include authority for the County Administrator or designee to execute any

necessary sponsorship or marketing agreements up to a threshold amount or subject to other appropriate limitations, subject to review for legal sufficiency by the Office of the County Attorney, with all other agreements for the Program subject to Board approval.

Section 2. Severability.

If any portion of this Administrative Code Resolution is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Administrative Code Resolution. If any court determines that this Administrative Code Resolution, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Administrative Code Resolution to any other individual, group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Administrative Code.

It is the intention of the Board of County Commissioners that the provisions of this Administrative Code Resolution become part of the Broward County Administrative Code as of the effective date. The sections of this Administrative Code Resolution may be renumbered or relettered and the word “resolution” may be changed to “section,” “article,” or such other appropriate word or phrase to the extent necessary to accomplish such intention.

Section 4. Effective Date.

This Administrative Code Resolution is effective upon adoption.

ADOPTED this day of , 2023. **PROPOSED**

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: */s/ Ricardo Abraham* 11/27/2023
Ricardo Abraham (date)
Assistant County Attorney

By: */s/ Nathaniel A. Klitsberg* 11/27/2023
Nathaniel A. Klitsberg (date)
Senior Assistant County Attorney

RA/cv
Advantage Marketing Repeal
11/27/2023
1070190v6

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.