
**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

BOARD POLICY: SECTION NUMBER 01.19.01.00

**SUBJECT: HILLSBOROUGH COUNTY PRIVATE SPONSORSHIP OF
PUBLIC ACTIVITIES POLICY**

DATE: JULY 15, 2009

SUPERCEDES: NEW

PURPOSE:

The purpose of this policy is to establish guidelines and procedures for solicitation and acceptance of sponsorships from private entities in the form of in-kind and/or monetary consideration for County activities that are available to the public and for entering into sponsorship agreements with third parties in a manner that is consistent with all applicable policies set by Hillsborough County.

POLICY:

The Board of County Commissioners hereby acknowledges past partnerships with private sponsors who generously provide in-kind and/or monetary consideration in support of County activities on an on-going basis and also recognizes the need to create an enabling environment for additional sponsorship opportunities for County activities that are mutually beneficial.

To that end, Hillsborough County shall permit private sponsorships of government activities in limited circumstances as a means to generate funds for maintaining, improving, or expanding County activities. Whenever possible, sponsorships should be linked to specific County activities.

Hillsborough County will neither seek nor accept sponsors that take positions inconsistent with local, state, or federal law or with County policies, positions, or resolutions.

Hillsborough County maintains its sponsorship program as a nonpublic forum and exercises sole discretion over who is eligible to become a sponsor according to the terms of this policy.

County staff may solicit such sponsorship agreements subject to the limitations of this policy. This policy authorizes County staff to enter into sponsorship agreements within set guidelines and procedures for the purpose of optimizing County non-tax revenue sources.

Such sponsorship agreements shall be on a fixed fee basis without regard to the County's actual cost of the Activity. Refunds will only be authorized if the activity is cancelled due to events beyond reasonable control of the sponsor or unless otherwise approved of by the Board.

AUTHORITY:

All property and publications of Hillsborough County are intended to be and are exclusively used for business operations of the County in providing governmental activities for County residents, and except, as required by law or expressly established by an affirmative action by the Board of County Commissioners, no activity or property of the County shall be intended to be or shall be considered as an open, limited or designated public forum, and no person shall have a right to access or use any County activity or property for any purpose other than the intended and authorized governmental purpose or service. Placement of sponsorship messages for a County activity or upon a County property shall require specific authority.

Hillsborough County possesses sole and final decision-making authority for determining the appropriateness of a sponsorship relationship and reserves the right to refuse to enter into any proposed sponsorship agreement.

In determining the appropriateness of a potential sponsorship relationship, the County shall consider whether the relationship may undermine public confidence in the County's impartiality in the transaction and/or whether it may interfere with the efficient delivery of county services or operations, including, but not limited to, current or potential conflicts of interest between the sponsor and County and/or the Sponsor and any of the County's employees, officials, or affiliates.

The establishment of a sponsorship agreement does not constitute an endorsement by Hillsborough County of the sponsor's organization, products, or services.

The County shall not relinquish to the sponsor any aspect of the County's right to manage and control the County's assets or facilities by entering into a sponsorship agreement.

SCOPE:

A. This policy applies to all County business units, departments and divisions.

B. This policy does not apply to:

1. Philanthropic contributions, gifts, grants, or unsolicited donations in which no benefits are granted to the sponsor and where no business relationship exists;
2. Independent foundations or registered charitable organizations from which the County may receive benefit;
3. Funding obtained from other orders of government through formal grant programs;
4. County sponsorship support of external projects where the County provides funds to an outside organization (see BOCC Policy # 01.19.00.00);

5. Third parties who lease County property or hold permits with the County for activities. This expressly includes, but is not limited to, the use of County recreational facilities by athletic organizations.

DEFINITIONS:

- A. **“Activities”** shall mean County events, programs, projects, services, and/or publications that are open and available to the public.
- B. **“Fixed Fee”** shall mean a negotiated amount to be paid by a sponsor for the right to be associated with a County Activity as defined in the policy and as delineated in the sponsorship agreement.
- C. **“In-kind Consideration”** shall mean a compensation received by the County in the form of goods and/or services rather than monetary consideration.
- D. **“Monetary Consideration”** shall mean the economic benefits being exchanged with the County by a Sponsor received in the form of cash or cash equivalents as opposed to in kind consideration.
- E. **“Nonpublic Forum”** is broadly defined as any activity or property that is not by tradition or designation a forum for public communication (such as with most government publications and websites).
- F. **“Open, Limited, or Designated Public Forum”** shall mean a forum under the control of the County that is traditionally open to the unfettered exchange of ideas (such as a park or a sidewalk).
- G. **“Philanthropic Contribution”** shall mean a contribution to Hillsborough County from a third party for which there is no reciprocal commercial and/or marketing benefit expected or required from the County. Such contributions are separate and distinct from sponsorship.
- H. **“Request for Sponsorship (RFS)”** shall mean an open and competitive process whereby third parties may express their interest in participating in sponsorship opportunities with the County.
- I. **“Sponsor”** shall mean an external entity or third party (for-profit or not-for-profit) that enters into a sponsorship agreement with the County.
- J. **“Sponsorship”** shall mean a mutually beneficial business arrangement between the County and a third party, wherein the third party provides in-kind goods and/or services and/or an agreed upon monetary amount to the County in return for access to the commercial and/or marketing potential of being associated with the County. Sponsorships may include sponsorship of one or more of the County’s activities.
- K. **“Sponsorship Agreement”** shall mean a mutually beneficial, contractual agreement that reflects the business arrangement for the exchange of commercial and/or

marketing benefits between the County and a third party for a specified period of time.

SPONSORSHIP CATEGORIES:

Sponsorships may include sponsorship of one or more of the County's activities in the form of:

- A. **Publication Sponsorships:** having sponsorship messages representing the sponsor's name, products, or services placed in Hillsborough County publications in exchange for in-kind or monetary consideration from the sponsor;
- B. **Program Sponsorships:** the public display of a message that represents the sponsor's name, products, or services on County property in exchange for in-kind or monetary consideration from the sponsor for a County activity;
- C. **Purchasing Sponsorships:** the ongoing and continuous public display of a message that represents the sponsor's name, products, or services on County property in exchange for in-kind or monetary consideration.
- D. **Underwriting of HTV Programming Sponsorships:** the public display of a message that represents the sponsor's name, products, or services on cable cast and video streaming on HTV in exchange for the sponsor underwriting HTV programming activities using the Public Broadcasting System funding model.

RESTRICTIONS:

- A. Sponsorships on County property are maintained as a nonpublic forum. Hillsborough County has full rights and discretion to restrict access to County properties and County publications and to reject or refuse placement of any or all sponsorship information. To the extent that any such information is accepted, Hillsborough County reserves the right to full editorial control over the placement, content, appearance, and wording and to determine and prohibit types of sponsorship information which are deemed inappropriate for or inconsistent with the business of the County or the services provided to Hillsborough County residents.
- B. In general, the following industries and products are not eligible for sponsorships with Hillsborough County:
 - 1. Law enforcement-regulated businesses;
 - 2. Faith-based organizations;
 - 3. Political-based organizations;
 - 4. Companies whose business is substantially derived from the sale of alcohol, tobacco, firearms, or adult use, as defined in the Hillsborough County Land Development Code.
- C. Sponsorship recognition messages may identify the sponsor, but Hillsborough County will not make statements that directly or indirectly promote, advocate, or endorse a sponsor's organization, products, or services.
- D. Statements that advocate, contain price information or an indication of associated savings or

value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations will ordinarily not be accepted.

- E. Hillsborough County shall reject a sponsorship that does not comply with the Standards set forth in this policy. All full advertising graphic designs must be submitted with sufficient detail to the County to determine content and final general appearance.
- F. In addition to the prohibitions noted above, the following standards for advertising are adopted and any and all proposed information with the following included shall not be displayed:
 - 1. False, misleading or deceptive information;
 - 2. Information that relates to an illegal activity;
 - 3. Information that is explicit sexual material, obscene material, or material harmful to minors;
 - 4. Information that advertises tobacco and alcohol products;
 - 5. Information that includes language which is obscene, vulgar, profane, or scatological;
 - 6. Information that relates to instruments, devices, items, products or paraphernalia that are designed for use in connection with specific sexual activities; and/or
 - 7. Information that depicts violence and/ or anti-social behavior.
- G. No materials or communications, including, but not limited to, print, video, Internet, broadcast, or display items developed to promote or communicate the sponsorship using Hillsborough County's name, marks, or logo may be issued without written approval from the County Administrator or her designee.

PROCEDURES:

- A. A requesting department/staff person seeking sponsorship for a County activity, must submit a request in writing using the [Corporate Sponsorship Project Form](#) and forward to their Department's Assistant County Administrator for approval (for sponsorships up to \$2,500) or to the County Administrator or her designee (for sponsorships that exceed \$2,500) prior to the occurrence of said event.
- B. Upon receipt of approval, a Request for Sponsorship (RFS) shall be developed by the Requesting Department/staff person and forwarded along with a completed *Public Awareness Activity Form* (<http://coin.hillsboroughcounty.org/forms/comm/pubawareform.cfm>) to the Communications Department for advertising, promotion, and event coordination purposes. Requests for Sponsorship should include a summary of the sponsorship opportunity, benefits for participation, a description of the open and competitive procedure for expressing interest in participating in sponsorship opportunities, and

a provision that the County possesses sole and final decision-making authority for determining the appropriateness of a sponsorship relationship and reserves the right to refuse to enter into any proposed sponsorship agreement. The RFS must be publicly noticed for a minimum of ten (10) business days prior to any designated closing date for submission of proposals. Public notice shall consist, at a minimum, of posting on the County's web site.

- C. All sponsorship proposals from potential sponsors must be submitted in writing by the due date in compliance with the RFS instructions.
- D. Agreements for sponsorships up to \$2,500 shall be approved by the Department's Assistant County Administrator for the requesting department/staff person seeking the sponsorship. Upon approval, the Department's Assistant County Administrator shall forward the agreement to the County Administrator or designee for signature. Agreements for sponsorships exceeding \$2,500, but not more than \$100,000 shall be approved by the County Administrator or designee. Original sponsorship agreements shall be filed with the Board Records Department of the Clerk's Office.
- E. All sponsorship agreements must include, at a minimum:

- Signatures by authorized representatives of the County and sponsor.
- Term of the agreement, including provisions for termination.
- Details of the exchange of benefits, including what will be provided to the County by the sponsor and what will be provided by the County to the sponsor.
- The due dates for in-kind and/or monetary consideration to be provided by a Sponsor.
- A provision that the consideration being provided by the Sponsor is on a fixed fee basis without regard to the County's actual cost of the activity.
- If the sponsorship is exclusive or if there will be other sponsors for the County activity.

- F. Funds from Sponsorships shall be budgeted and accounted for in a manner manner determined by the Management and Budget Department and the Clerk.
- G. The Communications Department shall maintain a complete file of all RFS Forms and a report summarizing all approved sponsorships shall be provided quarterly to the County Administrator and placed on the consent agenda of the Board of County Commissioners.

RESPONSIBILITY:

The County Administrator, or designee, shall be responsible for overseeing and carrying out the terms, standards, processes, and procedures stated in this policy.

Approved by: **Board of County Commissioners**
Date: **July 15, 2009**