

First Amendment Policy And Free Speech Activities Guidelines

It is the policy of the Southwest Florida & Lee County Fair Association, Inc. to allow free speech activity whenever said activity is not inconsistent with the normal operations or activities of the Southwest Florida & Lee County Fair or any event held on the grounds of the Southwest Florida & Lee County Fair Association, Inc., commonly known as the Lee Civic Center and/or Fairgrounds, or the safety of the Association's representatives, employees, patrons, invitees, vendors, or others coming onto such grounds. Due to the unique nature of the various events and activities at the Lee Civic Center and/or Fairgrounds, there is limited access to the grounds and buildings, necessitating creation of First Amendment Activity Zones. The Southwest Florida & Lee County Fair Association, Inc. specifically finds that the building and grounds comprising the Southwest Florida & Lee County Fairgrounds and Lee Civic Center are generally surrounded by parking areas under the control of the Southwest Florida & Lee County Fair Association, Inc., which areas become congested with numerous vehicles prior to and during the various events and activities held during the annual Fair and other events. In addition, there are numerous water retention areas in and around the property which further limits access to the property. The Southwest Florida & Lee County Fair Association, Inc. further finds that pedestrian traffic is generally confined to narrow walkways to and from these parking areas to the various gates at Southwest Florida & Lee County Fairgrounds and Lee Civic Center and the First Amendment Activity Zone(s) is designed to balance the interests by those engaged in First Amendment Activity with the Southwest Florida & Lee County Fair Association, Inc.'s interest in providing reasonable and safe access to the patrons, invitees, vendors, Association representatives and employees, and others coming onto the grounds.

The implementation of this policy is not meant to concede that the parking lots, walkways, and grounds of the Southwest Florida & Lee County Fair and Lee Civic Center are public fora. This policy seeks to apply reasonable time, place, and manner restrictions to petitioning, free speech, and other forms of expression under the First Amendment. All persons engaged in First Amendment activities on the Southwest Florida & Lee County Fairgrounds and Lee Civic Center are expected to comply with this policy and all other applicable policies of the Association.

Definitions:

"First Amendment Activities" are defined to mean the "conduct by a speaker which has purpose that is constitutionally protected, including the distribution and dissemination of expressive, non-commercial, material" and "petitioning," which is defined below.

"Petitioning" is defined to mean "any conduct by which a petitioner or petition signature-gatherer obtains signatures for any petition which has been duly filed."

"Commercial activity" is defined to mean "the solicitation of money or other contributions, other than political contributions, or distributing commercial advertising or promotional material of any kind, or offering samples of items which are or will be sold, available for sale, or available in exchange for a donation or contribution, or engaging in any activity for economic gain or motive."

"Locations" or "First Amendment Activity Zone(s)": The terms "Locations" and "First Amendment Activity Zone(s)" as used herein are defined to mean the places which the Southwest Florida & Lee County Fair Association, Inc., has designated for the exercise of First Amendment activities on the grounds of the Southwest Florida & Lee County Fairgrounds and the Lee Civic Center. The location of the First Amendment Activity Zone for the Southwest Florida & Lee County Fair Association, Inc. is attached hereto and incorporated herein by this reference as Exhibit "A".

The Southwest Florida & Lee County Fair Association, Inc. reserves the right to place a sign or signs in the areas adjacent to the designated First Amendment Zone stating that the activities in which the speaker is engaging are not sanctioned, condoned, nor endorsed by the Southwest Florida & Lee County Fair Association, Inc.

Any organization or individuals seeking to engage in First Amendment Activities shall ensure their conduct and the use of any signs, banners, or other devices do not result in injuries to patrons or property; persons engaged in First Amendment Activities shall comply with the following restrictions on time, place and manner:

Time Restrictions for First Amendment Activities:

First Amendment activities may occur during the open hours of the Southwest Florida & Lee County Fair and other specific events when the Southwest Florida & Lee County Fair facilities are licensed to third parties. Because of security, safety, and cost concerns, First Amendment activities are not permitted at any other times.

On-site Registration:

Organizations or individuals desiring to engage in First Amendment Activities on the Southwest Florida & Lee County Fair Fairgrounds and Lee Civic Center must register with the Southwest Florida & Lee County Fair Association, Inc. at least 24 hours prior to the planned First Amendment Activity. The purpose of the Southwest Florida & Lee County Fair registration is not to censor in any way or review discretionarily the content of the speech involved, but to allow sufficient opportunity for the Southwest Florida & Lee County Fair Association, Inc. to assign space for First Amendment Activities and to provide the participants with copies of the rules governing the use of First Amendment Activities zones. Registration will be granted on a first-come, first serve basis. A request for registration may be made at least 24 hours prior to the planned First Amendment Activity, but not more than 15 days prior to the planned First Amendment Activity at the Southwest Florida & Lee County Fair Fairgrounds and Lee Civic Center. Interested parties should apply at the Administration Offices of the Southwest Florida & Lee County Fair Association, Inc., 11831 Bayshore Road, North Fort Myers, Florida, 33917. Information to be provided shall include:

- The date and proposed beginning and end time of the planned event;
- The nature of the planned activity;
- The approximate number of persons proposed to be involved;
- A designated contact person, including a means of communication of said person including an operable cell phone number, a physical address, and email; and

In evaluating the registration, the Southwest Florida & Lee County Fair Association, Inc. will not discriminate on the basis of content of ideas or beliefs. The Southwest Florida & Lee County Fair Association, Inc. may, however, require certain individuals or organization to maintain a reasonable distance from other individuals or organizations, if there is reasonable belief in the minds of the employees of the Southwest Florida and Lee County Fair Association, Inc. that there may be conflict among or between various individuals or groups, or if groups with competing views or incompatible philosophies have requested use of the same general area on the same date and during the same hours.

A registrant may not use, in any manner, fighting words or obscenities. Within or upon the grounds of the Southwest Florida & Lee County Fairgrounds and/or Lee Civic Center, no individual shall participate in loud, rude or unreasonable behavior; disturb the public peace; make threatening comments, actions or gestures towards others; obstruct the use and enjoyment of any facility, area or event; act in a disorderly manner; or participate in any behavior or activity which in the opinion of the Fair Manager or the Fair Manager's designee may affect the safety or well-being of any person attending the Southwest Florida & Lee County Fair or a Southwest Florida & Lee County Fair Association, Inc. licensed event.

Manner restrictions for First Amendment Activities (Non-solicitation policy):

- A participant may not advertise, canvass solicit, or disseminate written materials in any location outside of the admission gates within the entire Fairgrounds, including the parking areas, of the Southwest Florida & Lee County Fair, except as provided by this rule.
- An individual may register by submitting a registration form prepared by the Southwest Florida & Lee County Fair Association, Inc. The individual must submit the form to the Southwest Florida & Lee County Fair Association, Inc. at least 24 hours before beginning any advertisement, canvassing or soliciting, or dissemination of written materials but not earlier than 15 days. If the form is submitted on behalf of a person that is not an individual, the registration form shall identify a lead individual and may identify up to nine other individuals who will participate in advertising, canvassing, soliciting or disseminating information. For registration purposes, only the lead individual is considered registered and approved by the Fair Association, Inc. All other members identified will become registered and approved once they are properly briefed by an authorized designee of the Southwest Florida & Lee County Fair Association, Inc. on the rules for non-solicitation.
- Registration for non-lead individuals can occur before or on the day they are scheduled to engage in advertising, canvassing, soliciting and disseminating information.
- Each lead registrant may setup one table. The tabletop must be no longer than six feet. A registrant shall be present at the table at all times. The table may be set up no more than 30 minutes before the Southwest Florida & Lee County Fair Association, Inc.'s licensed event opens its admission gates for the day and must be removed no later than 30 minutes after the Southwest Florida & Lee County Fair Association's, Inc., licensed event closes for the night.
- A registrant may not use a sound device, including but not limited to a bullhorn or other sound amplifying device that creates sufficient volume to be heard more than 20 feet from the registrant.
- A registrant may not use, in any manner, fighting words or obscenities. Within or upon the grounds of the Southwest Florida & Lee County Fairgrounds and/or Lee Civic Center, no individual shall participate in loud, rude or unreasonable behavior; disturb the public peace; make threatening comments, actions or gestures towards others; obstruct the use and enjoyment of any facility, area or event; act in a disorderly manner; or participate in any behavior or activity which in the opinion of the Fair Manager or the Fair Manager's designee may affect the safety or well-being of any person attending the Southwest Florida & Lee County Fair Association, Inc.'s licensed event.
- A registrant may not sell or advertise any merchandise or service.
- A registrant may not advertise, solicit, canvass or disseminate information to an individual in or on a motor vehicle or at any location within a parking lot.
- A registrant may not advertise, canvass, solicit or disseminate written materials in any location inside Southwest Florida & Lee County Fair's or Lee Civic Center's admission gates, or in any exhibit space assigned to an exhibitor by the Southwest Florida & Lee County Fair Association, Inc. The Southwest Florida & Lee County Fair Association, Inc. assigns commercial exhibit spaces within an exhibit area for a fee. Exhibitors who are assigned a commercial exhibit space are subject to the fees, conditions, rules and other information about exhibiting in a particular Exhibit Area.
- During events organized by an exhibitor, the exhibitor shall be responsible for regulating the advertising, canvassing, soliciting and disseminating of written materials in locations inside the Southwest Florida & Lee County Fairgrounds and Lee Civic Center.
- A registrant may not deface or place any temporary or permanent markings of any kind anywhere on the grounds for any reason and shall ensure that no third party under registrant's control does so.
- A registrant may not at any time engage in any criminal activity, including but not limited to dissemination of hate crime literature or information.

“EXHIBIT “A”

First Amendment Activities Zone

