

MILTON SIGN ORDINANCE

7/12/2022

16.9 OTHER ADVERTISING AND SIGNAGE STANDARDS

A. Usage and Removal of Political Campaign Advertisement.

(1) Candidate Responsibility.

Each candidate whether federal, state, county or city, displaying or causing to be displayed any political campaign advertisement within the city shall make a good faith effort to remove all of his or her political campaign advertisements within 20 days after:

- a. Withdrawal of his or her candidacy;
- b. Having been eliminated as a candidate, and
- c. Being elected to office.

However, the candidate shall not be required to remove those political campaign advertisements which are in form of approved general advertising signs used by an outdoor advertising business as provided in F. S. Ch. 479. The provisions herein shall not apply to political campaign advertisements placed on motor vehicles, or campaign messages designated to be worn by a person.

- d. The city clerk shall notify all candidates whose political campaign advertisements might be displayed in the city in writing of the provisions of this section by U. S. mail or by hand delivery.

(2) Individuals who intend to seek election or -reelection as a councilmember or mayor are prohibited from displaying or causing to be displayed any political campaign advertisements within the city prior to filing a written acceptance of their nomination as a candidate pursuant to Article V the City Charter.

(3) Placement

No political campaign advertisement shall be erected, posted, painted tacked, nailed, or otherwise, displayed, placed, or located, on or above, the right-of-way of any street or highway, located within the city, or affixed to any tree within the city.

(4) Enforcement

If Political campaign advertisements are not removed within the specified period, the city shall have authority, through the code enforcement officer, to remove such advertisements and to charge the candidate the actual cost of the removal, or the sum as currently established or as hereafter adopted by resolution of the city council from time to time, whichever is greater. Funds collected for removing such advertisements shall be deposited to the city's general revenue.

ORDINANCE NO. 1978-22

AN ORDINANCE OF CITY OF MILTON, FLORIDA, RELATING TO ELECTION ADMINISTRATION; AMENDING ADVERTISING AND SIGNAGE STANDARDS; ESTABLISHING STANDARDS FOR CAMPAIGN ACTIVITY, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, The City is responsible for the administration of its elections for members of Council and for Mayor; and

WHEREAS, Florida Statute 100.3605 empowers municipalities to provide for the orderly transition of office and its elections; and

WHEREAS, the Council has by tradition and practice, administered its elections in a manner benefiting the unique considerations of the City of Milton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILTON, FLORIDA, THAT ELECTIONS FOR MEMBERS OF COUNCIL AND FOR MAYOR SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:

SECTION I. ADVERTISING AND SIGNAGE STANDARDS.

AMENDING PART III – UNIFIDE DEVELOPMENT CODE; ARTICLE 16; SEC.16.9 - AS FOLLOWS

A. Usage and Removal of Political Campaign Advertisement.

(1) Candidate Responsibility. Each candidate, whether federal, state, county or city, displaying or causing to be displayed any political campaign advertisement within the city shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

- a. Withdrawal of his or her candidacy;
- b. Having been eliminated as a candidate; and
- c. Being elected to office. However, the candidate shall not be required to remove those political campaign advertisements which are in the form of approved general advertising signs used by an outdoor advertising business as provided in F.S. Ch. 479. The provisions herein shall not apply to political campaign advertisements placed on motor vehicles, or campaign messages designated to be worn by a person.
- d. The city clerk shall notify all candidates whose political campaign advertisements might be displayed in the city in writing of the provisions of this section by U.S. mail or by hand delivery.

(2) Individuals who intend to seek election or re-election as a councilmember or mayor are prohibited from displaying or causing to be displayed any political campaign advertisements within the city prior to filing a written acceptance of their nomination as a candidate pursuant to Article V the City Charter.

(3) Placement. No political campaign advertisement shall be erected, posted, painted, tacked, nailed or otherwise displayed, placed or located on or above the right-of-way of any street or highway located within the city, or affixed to any tree located within the city.

(4) Enforcement. If political campaign advertisements are not removed within the specified period, the city shall have the authority, through the code enforcement officer, to remove such advertisements and to charge the candidate the actual cost of removal, or the sum as currently established or as hereafter adopted by resolution of the city council from time to time, whichever is greater. Funds collected for removing such advertisements shall be deposited to the city's general revenue.

SECTION II. ELECTION ADMINISTRATION AND REGULATION OF CAMPAIGN ACTIVITY

ESTABLISHING PART II CODE OF ORDINANCES; CHAPTER 4 ADVERTISING; ARTICLE III; CAMPAIGN ACTIVITY – AS FOLLOWS

Sec. 4-34. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Candidate means a person to whom any of the following applies:

- (1) A person who intends to qualify for nomination or election to a position as a councilmember or mayor.
- (2) A person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his nomination or election to, or retention as a councilmember or mayor.
- (3) A councilmember or mayor who has not served for more than two consecutive four year terms.

Political Advertisements means a paid expression in a communications medium such as radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display which expressly advocates the election or defeat of a candidate, or the approval or rejection of an issue as defined by Florida Statute 106.011.

Independent Expenditure means an expenditure of money or resources by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee as defined by Florida Statute 106.011.

Electioneering Communication means a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which:

- (1) Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
- (2) Is made within 100 days before an election for the office sought by the candidate; and
- (3) Is targeted to the relevant electorate in the geographic area the candidate would represent if elected;

as defined by Florida Statute 106.011.

Campaign Activity means the expenditure of funds, conspicuous use of items purchased or created during prior elections, and distribution of political advertisements, independent expenditures and electioneering communications relating to an election for councilmember or mayor.

Sec. 4-35. – Regulation of Campaign Activity

A. Periods of Campaign Activity.

(1) The period for which campaign activity is permitted to occur within the city begins 100 days prior to the scheduled date of the election for councilmembers or mayor and ends 30 days after the scheduled date of the election.

(2) Each candidate for councilmember or mayor who is engaging in campaign activity within the city shall cease all campaign activity within 30 days after:

- a. Withdrawal of his or her candidacy;
- b. Having been eliminated as a candidate; or
- c. Being elected to office. However, the candidate shall not be required to cease any independent expenditures, political advertisements, or electioneering communications conducted by third parties, which were authorized or directed prior to the occurrence of any of the above.

d. The city clerk shall notify all candidates who do not cease engaging in campaign activity in writing of the provisions of this section by U.S. mail or by hand delivery.

(3) Individuals who intend to seek election or re-election as a councilmember or mayor are prohibited from engaging in campaign activity within the city prior to filing a written acceptance of their nomination as a candidate pursuant to Article V the City Charter.

(4) Campaign activity is prohibited within the city except during the period beginning 100 days prior to the scheduled date of the election for councilmember or mayor and ending 30 days after the scheduled date of the election.

SECTION III. All ordinances or part of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION IV. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional by a Court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force, or effect of any other section or part of this ordinance.

SECTION V. This ordinance shall become effective immediately upon its passage and adoption.

PASSED by the City Council of the City of Milton, Florida this _____ Day of _____ [month], 2022.

ATTEST

CITY OF MILTON, FLORIDA

CITY CLERK

HEATHER LINDSAY, MAYOR

Legal in form and valid when signed by City Attorney.

1st Reading: July 12, 2022

2nd Reading: _____

ALEX ANDRADE, CITY ATTORNEY