

**SUMTER COUNTY ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 13 LAND DEVELOPMENT CODE, ARTICLE V GENERAL DESIGN STANDARDS, DIVISION 12 SIGN STANDARDS, SECTION 13-592 PRIVATE SIGNS AND TEMPORARY DISPLAYS ON PUBLIC PROPERTY; PROVIDING FOR CONFLICTS AND SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Sumter County (“Board”) has adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

**WHEREAS**, the Board of County Commissioners established sign standards which are set forth in the Code of Ordinances, specifically Chapter 13 Land Development Code, Article V General Design Standards, Division 12 Sign Standards; and,

**WHEREAS**, Sumter County’s sign ordinance currently prohibits private signs or temporary displays on property owned or controlled by the County; and,

**WHEREAS**, the Florida Legislature enacted CS/SB 7066, which became Chapter 2019-162 and took effect July 1, 2019, amending Section 102.031(4)(e), Florida Statutes, to provide as follows:

“The owner, operator, or lessee of the property on which a polling place or an early voting site is located, or an agent or employee thereof, may not prohibit the solicitation of voters outside of the no-solicitation zone during polling hours.”

**WHEREAS**, various polling places and early voting locations are located on property owned or controlled by Sumter County;

**WHEREAS**, the Sumter County Supervisor of Elections sought an advisory opinion from the State of Florida, Secretary of State, Division of Elections as to the enforceability of Sumter County’s sign ordinance in light of the statutory language regarding solicitation of voters outside the no-solicitation zone during polling hours; and,

**WHEREAS**, in Advisory Opinion DE-20-02 Solicitation at Polling Places – Signs – 102.031(4), Florida Statutes, the Division of Elections opined that enforcement of Section 13-592, as it is currently written, at polling places or early voting locations owned by Sumter County would conflict with Section 102.031(4)(e), Florida Statutes; and

**WHEREAS**, Sumter County desires to amend its sign ordinance to address the identified enforcement conflict; and,

**WHEREAS**, the Board, after the appropriate publication of notice of its intention to consider this Ordinance, has determined that in consideration of the health, safety and welfare of its citizens, it is in the best interests of Sumter County, Florida to approve this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY** the Board of County Commissioners of Sumter County, Florida, as follows:

**SECTION 1. PURPOSE.**

The purpose of this Ordinance is to amend Section 13-592 Private Signs and Temporary Displays on Public Property of Chapter 13 Land Development Code, Article V General Design Standards, Division 12 Sign Standards for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

**SECTION 2. AUTHORITY.**

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

**SECTION 3. AMENDMENT OF CHAPTER 13 LAND DEVELOPMENT CODE, ARTICLE V GENERAL DESIGN STANDARDS, DIVISION 12 SIGN STANDARDS, SECTION 13-592 PRIVATE SIGNS AND TEMPORARY DISPLAYS ON PUBLIC PROPERTY.**

Sec. 13-592. - Private signs and temporary displays on public property.

(1) Definitions. The following terms shall be understood to have the following corresponding meanings when utilized in this division:

Board: The Board of County Commissioners of Sumter County, Florida.

Private sign: A sign of any size or shape which is placed on (above ground) or in (anchored below ground) property owned by the board, including right-of-way per section 14-80, which represents, advertises, or promotes any private business, commercial activity, political candidate, political position, or nonprofit organization, or which promotes any event related to the foregoing.

Temporary displays: Temporary displays with signs, banners, tents, tables, chairs or information pamphlets.

(2) Prohibition of private signs and temporary displays. No person shall erect or display, or cause or authorize any person or entity to erect or display, any private sign or temporary display on property owned by the board or controlled by the board under a lease which through its terms requires that the board maintain said property. If in the immediate vicinity, owners will be notified of the prohibition and given time to immediately remove the private sign(s) or temporary display(s). If any private sign or temporary display is not removed or is left unattended on property owned by the board or controlled by the board under a lease as described herein shall be photographed and then immediately removed and destroyed [by] agents or employees of the board. Said agents or employees of the board shall record by written log the location and appearance of the confiscated private sign(s) or temporary displays, and process and preserve photographs as evidence for hearings before the special master as allowed herein. Signs or temporary displays placed by agents or employees of the board to aid in traffic control, public safety or other general governmental concerns shall not be subject to the limitations of this division. However, political or election-related private signs or temporary displays affiliated with an individual's candidacy for a county commission seat are governed and prohibited by this division in the same manner as any other political private signs or temporary displays related to a candidacy for public office.

(3) Exemptions. Private signs or temporary displays specifically licensed and approved by the board for placement on property owned or leased by the board, are exempt from the prohibitions and penalties enumerated herein. [Private signs or temporary displays that solicit voters solely during polling hours at polling sites and early voting locations, established by the Supervisor of Elections of Sumter County, that are located on property owned or controlled by the Board are exempt from the prohibitions and penalties enumerated herein.](#)

(4) Penalty. The entity or individual responsible for the placement of a private sign on property owned or leased by the board, or, in the case of private signs related to the promotion of political candidates, the candidate whose name appears on the private sign, shall be issued upon discovery and removal of a private sign on Sumter County property one (1) warning citation. Sumter County will remove any unauthorized private signs or temporary displays. The person or entity shall then have fourteen (14) days to pick up affiliated private signs that were removed from county property. Any subsequently discovered private signs affiliated with that same person or entity shall result in a fine not to exceed five hundred dollars (\$500.00), levied by Sumter County Code Enforcement. Any appeal of such a fine shall be to the special master in the same manner as an appeal of any other code violation. The appellant may put forth any admissible evidence available which indicates that the appellant was not responsible for the placement of the private sign on county property before the special master.

#### **SECTION 4. CONFLICTS AND REPEALER.**

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with

the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6. CODIFICATION**

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be reflected and made a part of the Code of Ordinances of Sumter County, Florida, with the exception of Sections 1, 2, 4, 5, 6 and 7. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

**SECTION 7. EFFECTIVE DATE.**

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** at a duly called session of the Sumter County Board of County Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2020.

**GLORIA HAYWARD  
SUMTER COUNTY CLERK**

**BOARD OF COUNTY COMMISSIONERS,  
SUMTER COUNTY, FLORIDA**

**ATTEST:**

\_\_\_\_\_  
DEPUTY CLERK

BY: \_\_\_\_\_  
Steve Printz  
Chairman

Approved as to form for the reliance  
of The Sumter County Board of  
County Commissioners, only:

\_\_\_\_\_  
Jennifer C. Rey, Esq.  
The Hogan Law Firm, County Attorney