



TO: City Council Candidates
FROM: Terese M. Jones, City Clerk
SUBJECT: Candidate and Election Information for Qualifying

PLEASE NOTE:

The information below is subject to change.

Congratulations on becoming involved in public service as a candidate for office in the City of Palm Bay!

IT'S TIME TO QUALIFY FOR OFFICE!

This information is printed with the intention of familiarizing Palm Bay candidates for elected offices with their duties and responsibilities as provided by Florida law.

Candidates for office of City Council shall:

- be a resident of Palm Bay for at least two (2) years immediately preceding the election;
- be a registered voter residing at a City of Palm Bay address;
- qualify for such office by complying with the Florida Statutes and in such manner as may be prescribed by ordinance; and
- shall continue to be a resident and an elector of the City of Palm Bay during the term of office, should the candidate be elected to office.

Please see the **'Election Information'** page for offices open to run for office, terms of office and qualifying information.

To qualify as a candidate in the Primary/General elections and Special Election, you will need to complete all forms as reflected on the **'City Council Candidate Qualifying Checklist'**, in addition to payment of the qualifying fee. All forms, and qualifying fee, must be filed with the Office of the City Clerk (documents may be submitted in person, via USPS or via email) during the qualifying period. All signatures must be original; digital signatures are not accepted.

PLEASE NOTE: You have the opportunity to pre-submit your qualifying paperwork early! Pursuant to Section 99.061(8), Florida Statutes, you may submit your qualifying papers no earlier than fourteen (14) days prior to the qualifying period – **MAY 27, 2024** (offices are closed on Monday, May 27th, due to the holiday so you cannot physically submit paperwork). If desired, my office will **accept and hold** your paperwork, but it will not be processed and filed until the qualifying period.

Once you have received official confirmation from the City Clerk's Office that you are a qualified candidate, you will be required to file campaign treasurer's reports, pursuant to Chapter 106.07, Florida Statutes. **Please refer to the attached schedule for reporting dates.** If you have already announced your candidacy and are a pre-qualified candidate, you will continue to file your reports accordingly.

The most commonly used campaign reporting forms, as listed below, are available on the Florida Division of Elections website - <https://dos.myflorida.com/elections/forms-publications/forms/>.

- ❖ DS-DE 12: Campaign Treasurer's Report – Summary
- ❖ DS-DE 13: Campaign Treasurer's Report – Itemized Contributions
- ❖ DS-DE 14: Campaign Treasurer's Report – Itemized Expenditures
- ❖ DS-DE 87: Waiver of Report

Should you have no contributions or expenditures to report for a particular reporting period, a Waiver of Report should be filed.

When you have contributions and/or expenditures to report, the Summary Form along with the Itemized Contributions Form and/or the Itemized Expenditures Form must be filed.

It is important for you and all persons involved in your campaign to become familiar with The Candidate and Campaign Treasurer Handbook and the laws that govern Florida elections. As a candidate, you are responsible for all aspects of your campaign – from filing timely treasurer's reports, to ensuring proper political disclaimers appear on your advertisements, to filing the necessary forms to complete qualifying. Investing the necessary time and attention to ensure compliance with the Florida Election Code can help you avoid making errors that could result in monetary fines or notifications to the State for failure to comply with the laws.

The Candidate and Campaign Treasurer Handbook is provided on the Publications page on the Division of Elections website at <https://dos.fl.gov/elections/forms-publications/publicationsreports/>.

Valuable election information is available on the Florida Division of Elections' website at <https://dos.myflorida.com/elections/> and the Brevard County Supervisor of Elections' website at www.votebrevard.gov.

Thank you for your interest in the election process. As your qualifying officer, my staff and I are available and ready to assist you. Please feel free to call my office at 321-952-3414 if you have any questions concerning your intent to qualify.

STATE LAW REQUIRES CANDIDATES OF MUNICIPAL OFFICE TO COMPLY WITH STATE
REGULATIONS AND ACCOUNTING INSTRUCTIONS FOR CANDIDATES AND
COMMITTEES AS SET FORTH IN FLORIDA STATUTES.

CITY OF PALM BAY
ELECTION INFORMATION
2024

<u>Primary Election</u> –	Tuesday, August 20, 2024
<u>General/Runoff Election</u> –	Tuesday, November 5, 2024
<u>Special Election</u> –	Tuesday, November 5, 2024 – special election runs concurrent with General Election

Should there be more than two (2) qualifying candidates for Mayor or for a given Council seat, then a primary election will be held on August 20, 2024. The two (2) primary candidates receiving the highest number of votes shall be the candidates in the general election. The candidate receiving the highest number of votes in the general election shall be declared elected to the office for which he or she was a candidate.

In the event there are fewer than three (3) qualifying candidates for Mayor or for a given Council seat, their names will not appear on the primary election ballot, but they will appear on the general election ballot. If a candidate for Mayor or for a given Council seat receives more than fifty percent (50%) of the vote in a primary election, then said candidate shall be declared elected to the office and no names shall appear on the general election ballot.

Candidates for the office of city council shall be a resident of the city and shall have been for at least two (2) years immediately preceding the election, shall be a registered voter residing at a city address, and shall qualify for such office by complying with the Florida Statutes and in such manner as may be prescribed by ordinance and shall continue to be a resident and an elector of the city during the term of office.

<u>Offices Open</u> –	Office of the Mayor – currently held by Rob Medina	(Primary/General Election)
	City Council Seat 2 – currently held by Donny Felix	(Primary/General Election)
	City Council Seat 3 – currently held by Randy Foster	(Primary/General Election)
	City Council Seat 5 – currently vacant	(Special Election)

<u>Term of Office</u> –	Four (4) years; however, <u>Seat 5 is a partial term</u> and the person elected will serve for a term of two (2) years (until 2026). There is no primary election for Seat 5 as it is special election that will be held in conjunction with the general election.
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<u>Qualifying Period</u> –	Begins on Monday, June 10, 2024, at noon; and ends on Friday, June 14, 2024, at noon.
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<u>Qualifying Fee</u> –	\$50.00 <u>plus</u> state required assessment.* *The State of Florida requires an assessment of one percent (1%) of the annual salary of the office being sought. The annual salaries and state assessments for City Council as of October 1, 2023, are as follows: Mayor - \$25,443.04 salary (\$254.43 assessment); each councilmember - \$12,721.52 salary (\$127.22 assessment).
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NOTE: PAYMENT OF YOUR QUALIFYING FEE MUST BE DRAWN FROM YOUR CAMPAIGN ACCOUNT VIA A CHECK – MONEY ORDERS AND CASH WILL NOT BE ACCEPTED. PAYMENT FROM A PERSONAL ACCOUNT WILL NOT BE ACCEPTED.

Candidates shall file qualifying papers and qualifying fee with the City Clerk *during the Qualifying Period*. However, pursuant to Section 99.016(8), Florida Statutes, qualifying documents may be submitted no earlier than fourteen (14) days prior to the qualifying period. Please refer to the '**City Council Candidate Qualifying Checklist**' for all forms required to run for office. No campaign funds may be collected or disbursed until the candidate has named a treasurer and depository and filed the appropriate form with the City Clerk.

Please contact the Office of the City Clerk at 321-952-3414, should you have any questions.

Terese M. Jones, CMC
City Clerk

CITY OF PALM BAY, FLORIDA

CITY COUNCIL CANDIDATE QUALIFYING CHECKLIST

Below are the required forms to qualify for City Council. Please review and check all forms that have been completed, including your qualifying fee. All forms and the qualifying fee are to be submitted to the Office of the City Clerk by the end of the qualifying period (Friday, June 14, 2024, at noon). **THERE SHALL BE NO EXCEPTIONS IF ALL FORMS AND THE QUALIFYING FEE ARE NOT SUBMITTED BY THE NOON DEADLINE.**

PRE-QUALIFIED CANDIDATES: You already have some forms below on file that were required to announce your candidacy. You only need to complete those forms with a blue asterisk (*) and pay your qualifying fee.

NOTE: PAYMENT OF YOUR QUALIFYING FEE MUST BE *DRAWN FROM YOUR CAMPAIGN ACCOUNT VIA A CHECK* – MONEY ORDERS AND CASH WILL NOT BE ACCEPTED. PAYMENT FROM A PERSONAL ACCOUNT WILL NOT BE ACCEPTED.

1. _____ Appointment of Campaign Treasurer/Designation of Depository (Form DS-DE 9)
2. _____ Appointment of Deputy Campaign Treasurer (Form DS-DE 9) (optional)
3. _____ Residency Affidavit
4. _____ Statement of Candidate (Form DS-DE 84)
5. _____ Candidate Biographical Data (optional)
6. _____ Datavote Logic and Accuracy Tests Form (will be given to candidates once dates are provided by the Supervisor of Elections)
9. _____ Political and Campaign Sign Registration
10. _____ Usage and Removal of Political Advertisements (FS 106.1435)*
11. _____ Sunshine Law Affidavit*
12. _____ Statement of Financial Interests Form (Form 1 2023) – MUST BE FILED ELECTRONICALLY THROUGH THE FLORIDA COMMISSION ON ETHICS' ELECTRONIC FINANCIAL DISCLOSURE MANAGEMENT SYSTEM. **A copy is to be provided to the City Clerk's Office.***

City of Palm Bay, Florida
City Council Candidate Qualifying Checklist
Page 2 of 2

13. _____ Loyalty Oath/Oath of Candidate Form (DS-DE 302NP)*

This form requires a notary which can be done by the Office of the City Clerk or by a notary of your preference.

14. _____ Payment of Qualifying Fee (drawn from campaign account)*

Office of the Mayor: **\$304.43**

Councilmember: **\$177.22**

The qualifying fee is \$50 (pursuant to Palm Bay Code of Ordinances), plus the State Assessment which is one percent (1%) of the salary for the seat for which you are qualifying.

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the filing officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☐ Initial Filing of Form ☐ Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last):
(Please Print or Type Name)

3. Address (include PO Box or Street, City, State, Zip Code):

4. Telephone:

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5. Candidate's Voter Registration #:

_____ (not required for qualifying purposes)

6. Email Address:

7. Office Sought (include district, circuit, group, or seat #):

8. If a candidate for a nonpartisan office, check the box if applicable:

☐ I intend to run as a Write-In Candidate.

9. If a candidate for partisan office, check the box and fill in the name of the party as applicable: I intend to run as a

☐ Write-In Candidate. ☐ No Party Affiliation Candidate. ☐ _____ Party candidate.

10. I have appointed the following person to act as my:

☐ Campaign Treasurer

☐ Deputy Treasurer

11. Name of Treasurer or Deputy Treasurer:

12. Telephone:

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13. Email Address:

14. Mailing Address:

15. City:

16. State:

17. Zip Code:

18. I have designated the following bank as my (check appropriate box): ☐ Primary Depository ☐ Secondary Depository

19. Name of Bank:

20. Address:

21. City:

22. County:

23. State:

24. Zip Code:

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR THE APPOINTMENT OF THE CAMPAIGN TREASURER AND DESIGNATION OF THE CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date:

26. Signature of Candidate:

X

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate box)

I, _____ do hereby accept the appointment designated above as:
(Please Print or Type Name)

☐ Campaign Treasurer.

☐ Deputy Treasurer.

28. Date:

29. Signature of Campaign Treasurer or Deputy Treasurer

X

City of Palm Bay, Florida

RESIDENCY OF CANDIDATE AFFIDAVIT

I, _____, a candidate for the Office of City Council (check one);

- _____ Mayor
_____ City Council Seat 2
_____ City Council Seat 3
_____ City Council Seat 4
_____ City Council Seat 5

do hereby solemnly swear or affirm:

- 1) I have been a resident of the City of Palm Bay for at least two (2) years immediately preceding the election date.
- 2) I am a registered voter of the City of Palm Bay, residing at a City address.
- 3) Have you ever been convicted of a felony? Yes _____ No _____
- If 'yes', have your civil rights been restored? Yes _____ No _____

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AND THAT THE FACTS STATED IN IT ARE TRUE.

Date Signature of Candidate

Address: _____

City: _____ State: _____ Zip Code: _____

How do you prefer your name to be displayed on the City's and Brevard County's Supervisor of Elections websites? (This can differ from how it will be displayed on the ballot)

STATEMENT OF CANDIDATE

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

I, _____ ,

candidate for the office of _____ ;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X

Signature of Candidate

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



CANDIDATE BIOGRAPHICAL DATA

City Council Position (select one): Mayor ☐ Seat 2 ☐ Seat 3 ☐
Seat 4 ☐ Seat 5 ☐

1. Full Name:

Address:

City: State Zip Code:

Contact Information:

Home/Mobile:

Business:

E-Mail:

2. Date of Birth (optional):

3. Education:

4. Present Employment:

Company:

Address:

5. Occupation:

Job Responsibilities:

If retired, what was your occupation prior to retirement?

Job Responsibilities:

6. Resident: Years Months

7. Are you a member or participant of any community organizations? (Please list)

8. Why do you want to be a member of the City Council?



REGISTRATION POLITICAL AND CAMPAIGN SIGNS

Name of Candidate:	
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Position Sought:	
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Referendum:	
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Contact Person:	
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Address:	
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City:		State:		Zip Code:	
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Business Phone Number:		Home Phone Number:	
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E-mail:		FAX Number:	
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Election Date:	
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Return to the Office of the City Clerk using one of the following methods:

By Mail: 120 Malabar Road, SE • Palm Bay, FL 32907

By Email: terri.lefler@pbfl.org and terese.jones@pbfl.org

CITY OF PALM BAY

POLITICAL AND CAMPAIGN SIGNS

If you intend to erect political/campaign signs within the boundaries of the City of Palm Bay, please adhere to the City's Sign Code (see Chapter 178, Code of Ordinances). A brief synopsis of the Code follows:

- A permit is not required for a temporary sign conforming with the requirements of Chapter 178;
- Temporary signs shall only be installed or placed with the express consent of the occupant or owner of the premises and may be placed on **private property only**; signs may not be placed on government-owned land or on rights-of way;
- Signs erected within public rights-of-way will be removed without notice to the candidate and held for five (5) business days; there shall be a removal and storage fee of \$100 or signs will be discarded;
- Notify individuals working for you of the City's regulations;
- Violation of the Code may result in fines up to \$150 per violation.

Your cooperation is greatly appreciated. Should you have any questions, contact the Office of the City Clerk at 321-952-3414 or terri.lefler@pbfl.org.

Section

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Appendix A:	Schedule of Signs in Commercial Zoning Districts
Appendix B:	Schedule of Signs in Industrial Zoning Districts
Appendix C:	Schedule of Signs in Residential Zoning Districts

Appendix D: Schedule of Conditional Use Signs in Residential Zoning Districts

§ 178.01 TITLE.

This Chapter shall be known and may be cited as the "Sign Ordinance of the City of Palm Bay, Florida."

(Ord. 2017-39, passed 6-15-2017)

§ 178.02 STATEMENT OF PURPOSE.

The purpose of this Chapter is to promote public health, safety, and general welfare by:

- (A) Establishing standards for the fabrication, erection, use, maintenance and alteration of signs within the City, which standards allow and encourage creativity, effectiveness and flexibility in the design and use of signs;
- (B) Promoting pedestrian and traffic safety by reducing signs within the City that pose visual hazards;
- (C) Preserving and improving the City's aesthetic appearance and mitigating against visual blight;
- (D) Balancing the promotion of public health, safety, and welfare with the public's interest in presenting and receiving constitutionally protected messages by way of signs within the City; and
- (E) Facilitating compliance and enforcement by providing objective guidelines, payment of fees to offset costs attendant to administering this ordinance, and imposing penalties in cases where the code is violated.

(Ord. 2017-39, passed 6-15-2017)

§ 178.03 CONTENT NEUTRALITY.

Nothing in this Chapter is intended to regulate or control the content of signs or to regulate differently commercial or noncommercial speech.

(Ord. 2017-39, passed 6-15-2017)

§ 178.04 SCOPE.

This chapter is intended to cover all requirements relative to the types, sizes, heights, permissible locations, restrictions, permits, inspections, identification, materials of manufacture and/or construction, erection, maintenance, procedure for requesting variances, and penalties for violation of the provisions prescribed herein for all signs placed, installed, repaired, altered, replaced and/or erected within the limits of the City which are exposed to the out-of-doors view of the public.

(Ord. 2017-39, passed 6-15-2017)

§ 178.05 SIGNS AUTHORIZED; LIMITATIONS.

All signs not expressly authorized by this Chapter are prohibited. Additionally, authorized signs requiring a permit under the terms of this Chapter are prohibited until the City issues such permit, or as otherwise provided in this Chapter. All signs, including those authorized and permitted, shall be subject to the restrictions, procedures, and limitations contained in this Chapter and other applicable governmental regulations.

(Ord. 2017-39, passed 6-15-2017)

§ 178.06 CONSISTENCY.

This Chapter is based on and is intended to be consistent with and enhance the City's Zoning Code and the City's Comprehensive Plan.

(Ord. 2017-39, passed 6-15-2017)

§ 178.07 ADMINISTRATIVE AUTHORITY.

The Growth Management Director shall act as Administrator of the provisions of this Chapter, acting in lieu of the governing body. As used in this Chapter, "Administrator" shall include such Administrator's authorized representative.

(Ord. 2017-39, passed 6-15-2017)

§ 178.08 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply. Unless specifically defined below or in Chapter 185 (Zoning Code), the words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

AGGREGATE. When used in reference to the total allowable sign area, the total available display area of all sides or portions of a sign shall constitute the aggregate sign area.

ALTER. This term shall include, but not be limited to, the addition of sign surface area, the changing or relocation of light source or the relocation of an outdoor advertising display from one position to another. This term shall include any and all structural changes in the sign, but shall not include the changing of copy on a sign, including a sign which is designed as a changeable copy sign.

APERATURE SIZE. See SIGN SURFACE AREA.

BASE. This term shall include, but not be limited to, the bottom support surface of any sign where it meets the ground.

BEACON LIGHT. Any outdoor high intensity light which consists of one or more beams capable of being directed in any direction or directions, capable of being revolved automatically, or capable of having any part thereof revolve automatically, or which flashes.

BUILDING FRONTAGE. The linear length of a building facing a public street right-of-way, exclusive of alleys.

COPY. The letters, colors, text or other graphics displayed upon the sign surface area.

ERECT. Build, construct, attach, hang, place, suspend or affix, and shall include the painting of wall signs.

ESTABLISHMENT. An establishment is any commercial, industrial, institutional, educational, office, social, business, or financial entity.

FASCIA. A horizontal construction component that is used to cap the ends of a structural roof truss.

FRAME. The outermost corners or edges of a sign cabinet (see also Sign Cabinet).

GOVERNMENTAL BODY. The city, county, state or government of the United States, and any branch, agency, board or department thereof.

GROUND LEVEL. Ground level shall mean the finished grade at the base of a sign structure.

GROWTH MANAGEMENT DEPARTMENT. The City Department that administers and enforces the Land Development Code and the Florida Building Code.

GROWTH MANAGEMENT DIRECTOR. The City officer or other designated authority, or their duly authorized representative, in charge of the Growth Management Department.

HEIGHT. The vertical distance between the uppermost portion of a sign and ground level.

LUMENS. A quantifiable measure of light.

MAINTAIN. Maintain shall include general servicing and upkeep in a safe and operable condition and free from excessive wear and tear.

NOTICE. Written notification given by certified mail delivery or to the last known address of the person to be notified, or by hand delivery to such person and, if such notification related to a violation of this Chapter, the physical posting of written notification on the sign structure or real property on which the sign is located. If certified mail delivery or hand delivery is not possible, then an advertisement in any regularly published newspaper in the City shall suffice.

OWNER. The person owning the fee simple title to the property upon which a sign is located for which a permit is required.

PARAPET. The vertical wall section that extends above a roof.

PERMITTEE. The owner of a sign for which a permit is required.

PERSON. Any individual, firm, partnership, association, corporation or other legal entity.

PLACEMENT. The location that a sign occupies on a lot or building.

PREMISES. A lot or parcel of land or combination of contiguous lots or parcels under single ownership.

PUBLIC or PRIVATE WAY. Any public or private thoroughfare utilized for vehicular or pedestrian traffic.

RELOCATE. Any change in the position of a sign from its original location.

REPLACE. Rebuild, enlarge or change in size, structure or lettering other than repainting, or repair to electrical apparatus.

SIDEWALK. The paved portion of a right-of-way specifically designed for pedestrian traffic.

SIGN.

(1) Any permanent or temporary object, which is visible from a public place, including public roadways, and which is designed to attract attention to the subject matter of its copy or image. Specifically excluded from this definition is works of art, flags or emblems of any nation, state or political subdivision.

(2) **SIGNS** include the following defined classes of signs:

(a) **PERMANENT SIGNS.** Signs made of durable material and fixed to a building, supporting structure, or the ground in such a manner as to be immobile without the use of extraordinary means, such as disassembly. The following types of signs shall be permanent signs:

(i) **ANIMATED SIGN.** Any sign with physical action or motion, or giving the appearance thereof, through the use of illumination wind or other mechanical means. Animated signs shall include flashing or oscillating signs and swinging signs, sky trackers and shall exclude electronic message signs and time or temperature units.

(ii) **AWNING SIGN.** A roof-like structure extending and supported from the exterior wall of a building and which is composed of non-rigid materials (except for the supporting framework) upon which a sign is indelibly drawn, painted or printed.

(iii) **BENCH SIGN.** A bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted or printed.

(iv) **BILLBOARD SIGN.** Any freestanding sign, which may, without limitation, be a sign having changeable copy sign or an Electronic Message Sign, which identifies or advertises a use, establishment, product, activity or service not sold, produced, manufactured, located, provided or furnished on the parcel on which the sign is located (or which identifies a use, product, activity or service which is only incidentally sold or available on that parcel). Billboard Signs may be illuminated or non-illuminated and include Digital Billboards.

(v) **DIRECTORY SIGN.** Any sign that states the name and/or occupation of the occupants of a structure or gives the use of the structure, including office building directories, houses of worship directories and apartment house directories.

(vi) **ELECTRONIC MESSAGE SIGN.** A non-billboard Illuminated Sign emitting an illuminated message, image or design created electronically by any light source, light emitting diodes ("LEDs"), bare electric bulbs, luminous tubes, fiber optics, or any other combination of light sources creating a message. This definition shall include time, temperature and date signs. Each message on the sign must be displayed for a minimum of (8) eight seconds and all static message changes shall be completed within one (1) second. Each display must have a light sensing device that will adjust the brightness, as ambient light conditions change. An Electronic Message Sign which has copy which moves continuously or appears to be moving, flashing, changes color, pulses or alternates shall be considered an Activated Sign.

(vii) **MARQUEE SIGN.** Any sign which is attached to, or hung from, a permanent, roof-like structure which is supported by a building wall and which projects out from the building line usually, but not necessarily, over a public right-of-way such as a sidewalk.

(viii) **MONUMENT SIGN.** Any on-premises, freestanding sign supported by structures or supports in or upon the ground and independent of support of any building(s) and which has a maximum height of ten (10) feet. A monument sign may be a directly illuminated sign, electronic message sign, or indirectly illuminated sign.

(ix) **POLE SIGN.** A freestanding sign supported by one (1) or more poles in or upon the ground.

(x) **PYLON SIGN.** Any sign, other than a portable sign, which is supported by structures or supports in or upon the ground and independent of support from any building and having eight (8) feet or more ground clearance when measured from the grade at the base of the sign to the bottom of the sign face. The structural elements of a pylon sign shall not exceed one and one-half (1½) feet in diameter.

(xi) **ROOF SIGN.** Any sign that is erected, constructed or maintained on the roof of a building or structure above the eaves, or above mansards, parapets, or other similar architectural features of buildings or structures which are capable of supporting signs.

(xii) **TRANSIT SHELTER SIGN.** Any sign that is attached to a shelter on or abutting a public right of way, which shelter is intended for use in connection with public transportation.

(xiii) **WALL SIGN.** A sign which is attached to or erected against the wall of a building with its face in a parallel plane to the plane of the building façade or wall. This definition shall include the painting of a sign on a wall surface. For a building façade with multiple heights or roof lines, the wall sign shall not project more than five (5) feet above the parapet of a roof line that is more than 50% of the length of the building façade. Any wall sign contrary to this requirement shall be considered a roof sign.

(xiv) **WAYFINDING SIGN.** A sign that provides information regarding the location of nearby establishments in Commercial or Industrial Zone property that do not have frontage on an Arterial or Major Collector street. Wayfinding signs must be located on private property with written permission of the property owner and may not be erected in any public right-of-way. More than one entity may co-locate on a Wayfinding sign. The property for an establishment using a Wayfinding sign shall be located within 2,640 feet (1/2 mile) of said sign.

(b) **TEMPORARY SIGN.** Any sign that is not a permanent sign.

(i) Temporary signs shall only be installed or placed with the express consent of the occupant or owner of the premises.

(ii) Temporary signs may only be placed on privately owned property.

(iii) Temporary signs shall follow the guidelines as outlined per each zoning district in the appendixes below.

(iv) The following types of signs shall be temporary signs:

a. **A-FRAME SIGN.** A sign consisting of two (2) sign faces connected at the top with either hinges or fixed fastening devices.

b. **BANNER SIGN.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentalions applied to paper, plastic or fabric of any kind, and shall include flags, and streamers.

c. **CONSTRUCTION SIGN.** Any temporary sign erected between the time of issuance of a building permit and the issuance of a certificate of occupancy and located on the premises where construction is taking place, indicating the description of the project, the names and telephone numbers of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors and similar persons having a role or interest in the structure or project.

- d. **FEATHER SIGNS.** A sign supported by a single monopole with an affixed, cloth-like material that moves and flexes with the wind.
 - e. **FREESTANDING FRAME SIGN.** Any self-supporting two-sided sign with a total sign area of no more than sixty-four (64) square feet and which has a maximum height not exceeding eight (8) feet.
 - f. **FUTURE IMPROVEMENT SIGN.** Any sign which describes proposed development to take place on the premises.
 - g. **HUMAN SIGN HOLDER.** Any sign that is supported, in whole or in part by a person.
 - h. **INFLATED SIGN.** A sign constructed from nonporous material, which is inflated with air or any lighter-than-air gas. Included in this definition are inflated signs which represent the form of a person, place or thing. Aircraft which may meet this definition are not considered inflated signs.
 - i. **PORTABLE SIGN.** Any sign not permanently erected on a premises and which may be moved readily from place to place; except that this definition shall not apply to Vehicle Signs or signs displayed through, but not on, windows.
 - j. **REAL ESTATE SIGN.** Any sign used solely for the purpose of offering the sale or lease of the premises and/or building on which the sign is located.
 - k. **VEHICLE SIGN.** Any sign erected upon a vehicle wherein the principle purpose of the vehicle is not general transportation, but merely the support of the sign itself. Signs mounted upon taxis, buses, or other modes of general public transportation when in the course of their normal service are excluded from this definition.
 - l. **WINDOW SIGN.** A window sign is one that lets light or air through to the habitable part of the building and which is painted on, attached to, or visible through a window. A window sign does not include the display of merchandise.
- (c) **ABANDONED SIGN.** Any:
- (i) sign which through age and/or obsolescence no longer conforms to the structural or maintenance specifications of this chapter; or
 - (ii) pole, pylon or structure expressly installed for the purpose of affixing a sign which bears no sign or copy for a period of twelve (12) consecutive months; or
 - (iii) sign which displays information which incorrectly identifies the business, owner, lessor, or principal activity conducted on the site; or
- (d) **ACTIVATED SIGN.** Any sign which:
- (i) contains or uses for illumination any light, lighting device or lights which change color, flash or alternate, or change appearance of said sign or any part thereof automatically, except electronic message signs;
 - (ii) contains moving parts as part of its normal operation;
 - (iii) depicts or contains copy which moves or appears to be moving.
- (e) **DIGITAL BILLBOARD.** Any Billboard Sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A Digital Billboard may be internally or externally illuminated. A Digital Billboard shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity. Digital Billboards shall be operated in accordance with Fla. Admin Code Rule 14-10.004(3). Digital billboards shall not be considered as Animated, Activated or Flashing type lighting.
- (f) **FLASHING SIGN.** Any sign on which all or any portion of the electrical lighting device(s) on such signs go on and off at alternate intervals. Any revolving Illuminated Sign shall be considered a Flashing Sign for purposes of this chapter. Digital billboards shall not be considered Flashing Signs for purposes of this chapter.
- (g) **GOVERNMENT SIGN.** Any sign erected by or at the direction of a public official in the performance of such official's office or duty.
- (h) **ILLEGAL SIGN.** An unpermitted sign which was not lawfully erected or a permitted sign not constructed in accordance with the representations set forth in the permit documents or a sign constructed in violation of city codes.
- (i) **ILLUMINATED SIGN.** Any sign using an artificial light source.
- (j) **INTERIOR SIGN.** A sign which is located in the interior of a structure or which is located outside a structure but, because of the sign's placement, design or orientations is not visible to persons from a location other than the parcel on which the sign is located. Interior signs are not regulated by this Chapter.
- (k) **REVOLVING SIGN.** Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.
- (l) **SNIPESIGN.** Any sign made of nondurable material and which is attached in any way to a utility, tree, fence post or any other similar object, or inserted with one or more stakes into the ground.
- (m) **SUBDIVISION SIGN.** Any permanent sign located at the entry of a subdivision or neighborhood, mobile home park, townhouse, or other planned residential development.

SIGN CABINET. The self-supporting structural or non-structural frame that contains the sign face.

SIGN FACE. The part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.

SIGN NUMBER. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A sign with sign surface on multiple sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side of the sign.

SIGN STRUCTURE. Any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports or components attached to or placed around the sign structure.

SIGN SURFACE AREA. The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. The sign surface area shall be computed for the entire area within the periphery of a geometric form, or combination of geometric forms. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. The sign area shall include the total of a single side of a sign surface upon which copy could be placed. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, façade, parapet, awning, the area of the sign shall be the smallest geometric shape which will enclose all of the letters, characters or symbols. The area of a multi-faced sign shall be the total area of each sign face.

SIGN UNIT. Any display and/or display device containing elements organized, related and/or composed to form a single unit. Where the display of any elements is in a random manner without any organized relationship of elements, each element shall be considered a separate sign. A double-faced sign shall be considered a single sign.

STREET FRONTAGE. The length of the property line for a single parcel which runs parallel to and along each public right-of-way (exclusive of alleys) it borders.

WALL. The surface of the exterior of a principal building exposed to the public view within a single plane, inclusive of windows and/or doors.

ZONING DISTRICT. The various zoning districts as established and described in the zoning regulations set forth in Chapter 185 of this code of ordinances.

(Ord. 2017-39, passed 6-15-2017; Am. Ord. 2019-68, passed 1-2-20; Am. Ord. 2020-20, passed 3-19-20; Am. Ord. 2021-26, passed 5-20-21)

§ 178.09 SIGN PERMITS, NOT REQUIRED.

A sign permit shall not be required for:

- (A) The erection, installation, alteration, repair, relocation, reinstallation, or structural maintenance of:
 - (1) Signs in conformance with the requirements of this Chapter located on property owned by a Governmental Body or on a right of way;
 - (2) Temporary signs otherwise conforming with the requirements of this Chapter;
 - (3) Directory Signs; or
 - (4) Interior Signs.
- (B) Nonstructural maintenance of an existing permitted sign, such as cleaning or painting, or repairs to an existing sign which does not alter the size or height of the sign; or
- (C) Changing the copy of an existing permitted sign; or
- (D) Any sign that is legally existing and, if required, properly permitted as of the date this Chapter is enacted. A new permit shall be required prior to any alteration, repair, relocation, reinstallation, or structural maintenance of such legally existing sign.

(Ord. 2017-39, passed 6-15-2017)

§ 178.10 SIGN PERMITS.

(A) *Permits required.* A sign permit is required prior to construction, erection, installation, alteration, repair, relocation, reinstallation, or structural maintenance of any sign not subject to § 178.09 of this Chapter.

(B) *Emergency Repairs.* Repairs to a legally existing sign may be conducted prior to obtaining a permit in the event of an emergency imposing an imminent threat to life or property, provided, however, that any necessary permit is obtained promptly after such repairs are initiated. Emergency repairs shall be limited to returning the sign to its original permitted state.

(C) *Who may apply.* The following persons, or the designated agent or such persons, may apply for a sign permit:

(1) the owner of a sign for which a permit is required.

(2) the designated agent of the owner of a sign for which a permit is required.

(D) *Administration.* The Administrator or the Administrator's designee shall be responsible for the administration, processing, review and determination of applications for sign permits.

(E) *Timing.* Unless otherwise expressly provided for in this chapter, the Administrator or the Administrator's designee shall review an application for any permit for the erection, relocation, repair, or in any way pertaining to signs, and issue a written determination to the applicant within thirty (30) business days of receipt of the completed application. The review and determination period may be extended for an additional forty-five (45) business days at the request of the applicant or its agent.

(F) *Grant or denial.* If the application for a sign permit demonstrates that the proposed sign or the proposed work relating to a sign conforms with the requirements of this Chapter, and if all fees relating to such sign permit application have been paid, the sign permit application shall be granted. If the sign permit application does not demonstrate such conformity with the requirements of this Chapter or if all fees relating to such sign permit application have not been paid, the application shall be denied. In the event the application is denied, the Administrator or the Administrator's designee shall include the specific basis for the denial in the written determination provided to the applicant. Failure of the Administrator or the Administrator's designee to issue a final determination within the time set forth in subsection (E) above shall constitute a grant of such sign permit application.

(G) *Electrical Permits.* A separate electrical permit shall be required for any sign containing electrical components. If the work authorized under an electrical permit has not been completed within six (6) months after the date that the electrical permit is issued, then both the electrical permit and the sign permit shall become null and void.

(H) *Revocation of permit.* If the person to whom a sign permit is issued fails to comply with any of the provisions of this Chapter, the Administrator or the Administrator's designee shall provide notice to the permit holder revoking such permit and specifying the reason for such revocation.

(I) *Sign permit related fees.*

(1) Permit fees. Fees for sign permits, including inspection fees and plan checking fees, but exclusive of any fees for any electrical permit, shall be as established by City Council by resolution pursuant to § 169.004. For the purpose of determining the sign permit fee, sign valuation shall be determined by the Administrator or the Administrator's designee.

(2) Work commenced before acquiring permit. Where work for which a sign permit is required commences prior to issuance of such the permit, the fees for such permit shall be doubled, but the payment of such double fee shall not relieve the sign permit applicant from fully complying with the requirements of this Chapter and any other applicable regulations of the City in the execution of the work nor from any other applicable penalties. This provision shall not apply to emergency repairs under subsection (B) above.

(J) *Inspections.*

(1) Signs for which permits have been issued shall be inspected during and at completion of construction and at such times as deemed necessary by the Administrator or the Administrator's designee. The Administrator and the Administrator's designee are empowered to enter or inspect any building, structure or premises in the City upon which or in connection with which a sign is located, for the purpose of inspecting the sign, including its structural details and electrical connections, to ensure compliance with the provisions of this Chapter. Such inspections shall be carried out during normal business hours, unless an emergency exists.

(2) When an inspection reveals maintenance, repair, or other remedial action is needed, the Administrator or the Administrator's designee shall provide notice to the property owner, and the sign permit holder (if not the property owner) identifying the needed remedial action. The owner shall have ten (10) business days to complete the remedial action or remove the sign.

(3) Construction inspections. Any person constructing, erecting or relocating a sign for which a permit is required shall notify the Administrator or the Administrator's designee at all stages of construction that require inspection and approval by the Building Division. The requirements for such inspections are as follows:

(a) a footing inspection for all detached signs shall be required;

(b) a final structural inspection shall be required at completion of the work on all types of signs; and

(c) a final electrical inspection shall be required on all signs containing electrical components and wiring to be connected to an electrical energy source.

(Ord. 2017-39, passed 6-15-2017)

§ 178.11 REVIEW OF SIGN-RELATED DECISIONS.

(A) Any person who has been aggrieved by any order, requirement, decision, or determination applying or interpreting the provisions of this Chapter may seek review of said order, requirement, decision, or determination as provided in § 169.006.

(B) Persons with standing to seek review of any order, requirement, decision, or determination under this Chapter related to constitutionally protected first amendment activity shall be entitled, as a matter of right, to seek immediate review of such final determination by filing an appropriate pleading with the circuit court having jurisdiction over the territory encompassed by the City.

(Ord. 2017-39, passed 6-15-2017)

§ 178.12 PENALTIES AND REMEDIES.

Unless otherwise stated, a person who engages in conduct in violation of this Chapter shall be subject to the following penalties and/or remedies:

(A) Violations of this chapter may be punished as provided in the City of Palm Bay Code, §10.99, General Penalty.

(B) Each day that a violation continues after receipt of written notice of such violation shall constitute a separate violation and separate offense for purposes of the penalties and remedies specified herein.

(C) In addition to the penalties and remedies above, the City may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this Chapter, as provided by law.

(Ord. 2017-39, passed 6-15-2017)

§ 178.13 SIGNS ON PROPERTY OWNED BY A GOVERNMENTAL BODY; PUBLIC RIGHTS OF WAY; PUBLIC PLACES.

(A) *Property owned by Governmental Body.* No private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on property owned by a Governmental Body. Only the Governmental Body owning such land, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such property.

(B) *Public Rights of Way.* Except as expressly provided otherwise by the Florida Department of Transportation with regard to rights of way within its control and/or jurisdiction, no private person or group shall erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign located on any public right of way, including utility poles. Only the Governmental Body responsible for the maintenance of such public right of way, or its designated agents, may erect, install, maintain, alter, repair, demolish, remove, relocate, reinstall, or perform structural maintenance upon, a sign upon such a right of way.

(C) *Requirements.* Any sign located on property owned by a Governmental Body or upon any public right-of-way must conform to the requirements of this Chapter.

(D) *Removal of unauthorized signs.* The City may immediately remove any unauthorized sign located on property owned by a Governmental Body or upon any public right-of-way. Upon removing such a sign, the City shall hold it for a minimum of five (5) business days. At any time during such a holding period the owner of the sign may reclaim the sign after paying a removal and storage fee of one hundred dollars (\$100.00). Signs not reclaimed by the owner during this holding period shall be discarded.

(Ord. 2017-39, passed 6-15-2017; Am. Ord. 2019-68, passed 1-2-20)

§ 178.14 SCHEDULE OF SIGNS IN COMMERCIAL DISTRICTS.

The table setting forth the type, size, location, number, and allowable sign illumination for signs located on parcels within commercial districts is found in Appendix A.

(Ord. 2017-39, passed 6-15-2017)

§ 178.15 SCHEDULE OF SIGNS IN INDUSTRIAL DISTRICTS.

The table setting forth the type, size, location, number, and allowable sign illumination for signs located on parcels within industrial districts is found in Appendix B.

(Ord. 2017-39, passed 6-15-2017)

§ 178.16 SCHEDULE OF SIGNS IN RESIDENTIAL DISTRICTS.

The table setting forth the type, size, location, number, and allowable sign illumination for signs located on parcels within industrial districts is found in Appendix C.

(Ord. 2017-39, passed 6-15-2017)

§ 178.17 BILLBOARD AND INTERCHANGE SIGNS.

(A) Billboard signs may be permitted on industrial or commercial zoned properties which are not within one-half (1/2) mile of an Interstate 95 interchange, but which abut Palm Bay Road or Interstate 95, subject to the following restrictions:

(1) Height shall not exceed sixty (60) feet;

(2) Sign Surface Area shall be:

(a) between three hundred and sixty (360) square feet and six hundred and eighty (680) square feet, (excluding cabinetry and trim); and

(b) between two hundred (200) square feet and three hundred eighty-five (385) square feet, (excluding cabinetry and trim) along Palm Bay Road; and

(c) embellishments shall not extend more than five (5) feet beyond the permanent sign face.

(3) No Billboard sign shall be located less than 1,500 linear feet from any other Billboard Sign, measured in a straight line distance from sign to sign.

(4) Each Billboard sign shall be setback from all property lines of the parcel upon which they are erected upon a distance equal to half the height of the sign.

(B) Interchange signs may be permitted on industrial or commercial zoned properties located within one-half (1/2) mile of an Interstate 95 interchange if such property abuts Interstate 95 or if such Interchange sign is located within one-half (1/2) mile of an Interstate 95 interchange, subject to the following restrictions:

(1) Height shall not exceed sixty (60) feet;

(2) Sign Surface Area shall be no greater than:

(a) four hundred (400) square feet per sign face and a maximum of one sign per side for an Interchange sign with a height of sixty (60) feet; and

(b) two hundred fifty (250) square feet per sign face for an Interchange sign with a height of less than sixty (60) feet;

(3) No Interchange sign shall be located less than one thousand (1,000) linear feet from any other Interchange sign, measured in a straight-line distance from sign to sign.

(4) Each Interchange sign shall be setback:

(a) a minimum of twenty (20) feet from any public or private right-of-way lines; and

(b) a minimum of ten (10) feet from any other property line.

(C) Digital Billboards may be permitted on new and existing Billboard Signs on industrial or commercial zoned properties abutting Palm Bay Road, on industrial or commercial zoned properties abutting Interstate 95, and on industrial or commercial zoned properties if such Digital Billboard sign is located within one-half (1/2) mile of an Interstate 95 interchange within the City limits, subject to the restrictions in sub-sections (A) and (B) above. Notwithstanding any other provision contained herein, an existing legal nonconforming Billboard Sign, regardless of location, may be converted to a Digital Billboard and may be altered or reconstructed to the extent necessary to complete such conversion, notwithstanding any other provision to the contrary contained in this Chapter 178 or in Chapter 185, subject to the following criteria:

(1) Such Digital Billboard sign shall conform to State outdoor advertising regulations. There are currently only two (2) Billboard Signs in the City of Palm Bay that meet these regulations. One is located at 4250 Minton Road NE, and the other is located at the northwest corner of U.S. Highway No. 1 and Robert J. Conlan Boulevard NE;

(2) Such Digital Billboard sign shall have an active State outdoor advertising permit from the Florida Department of Transportation;

(3) The messaging area of the Digital Billboard sign (excluding framing, cabinetry and trim) shall not be larger than the existing sign face area;

(4) The sign height and location shall not be changed.

(5) *Minimum display time.* Each message on the Digital Billboard sign shall be displayed for a minimum of (8) eight seconds.

(6) *Message Changes.* All Digital Billboard static message changes shall be completed within one (1) second.

(7) *Brightness level.* Digital Billboard signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.

Face Size	Sign
10' 6" x 36'	
14' x 48'	

(8) Each Digital Billboard sign display shall have a light sensing device that will adjust the brightness as ambient light conditions change;

(9) Digital Billboard signs shall be operated with systems and monitoring in place to either turn the display off or show a "full black" image on the display in the event of a malfunction that affects at least fifty percent of the sign area; and

(D) Digital Billboards may be operated with conventional printed display faces.

(E) Owners of Digital Billboards are strongly encouraged to coordinate with law enforcement and emergency management authorities to display, when appropriate, regional emergency information important to the traveling public including, but not limited to Amber Alerts or emergency management information, such as Hurricane Evacuation Orders. Owners of Digital Billboards are strongly encouraged to display advertising copy on the electronic/digital sign face on behalf of the City, with no charge for advertising space, of the following types advertising messages only: public service, welcome messages or community events in the City of Palm Bay.

(Ord. 2017-39, passed 6-15-2017; Am. Ord. 2017-74, passed 11-16-2017; Am. Ord. 2018-54, passed 11-1-2018; Am. Ord. 2023- 82, passed 9-7-23)

§ 178.18 CONSTRUCTION, DESIGN, AND LOCATION OF SIGNS.

(A) *Design and construction.* The design, construction and erection of all signs permitted within the city shall conform to the requirements of the Standard Building Code, adopted in Chapter 170 of this Code of Ordinances. Signs containing components to be connected to an electrical energy source shall also conform to the requirements of the National Electrical Code, adopted Chapter 170 of this Code of Ordinances. If the requirements of this Chapter conflict with the requirements of the above codes, the provisions of this Chapter shall govern.

(B) *Illuminated signs.* All such light sources shall be maintained in good working condition. Signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled ways in the City of Palm Bay and which are of such intensity or brilliance as to cause glare or to impair the vision of a driver of a motor vehicle or which otherwise obscure or interfere with a driver's operation of a motor vehicle are prohibited.

(C) *Sign setbacks.* Sign setbacks shall be determined to be the leading edge of the sign or the supporting structure for such sign, whichever is closer to the point from which the setback is calculated.

(D) *Orientation.* All signs shall be designed and erected to be perpendicular to the ground upon which the sign is erected.

(Ord. 2017-39, passed 6-15-2017)

§ 178.19 MAINTENANCE OF SIGNS.

(A) Except as expressly otherwise provided, all signs regulated by this Chapter, including their supports, braces, guys, anchors, electrical parts, lighting fixtures, and all painted and display areas shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.

(B) Weeds and grass shall be kept cut in front of, behind, underneath and around the base of ground signs for a distance of ten (10) feet, and no rubbish or debris shall be permitted under or near such signs.

(Ord. 2017-39, passed 6-15-2017)

§ 178.20 EXPRESSLY PROHIBITED SIGNS, NUISANCE.

(A) The following types of signs, in any location, are expressly prohibited:

(1) Abandoned Signs;

(2) Activated Signs;

(3) Animated Signs;

(4) Beacon Lights;

(5) Flashing Signs;

(6) Illegal Signs;

(7) Revolving Signs;

(8) Roof Signs;

(9) Vehicle Signs;

(10) Snipe Signs;

(11) Any sign confusingly similar to a Government Sign;

(12) Any sign, other than a Government Sign, in or upon any river, bay, lake, or other body of water within the City;

(13) Any sign, other than a Government Sign, upon any pier or seawall;

(14) Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface; and

- (15) Any sign which:
- (a) contains content previously adjudged obscene in the community;
 - (b) emits audible sound, vapor, smoke, odor particles, or gaseous matter;
 - (c) obstructs, conceals, hides, or obscures any Government Sign;
 - (d) presents a hazard to the safety of the public; or
 - (e) causes radio, television or other communication interference.

(B) Any sign expressly prohibited by this section shall be deemed a nuisance. The Administrator or the Administrator's designee shall issue notices to both the owner of the property on which such sign is located and, to the extent discernable, those persons maintaining and/or owning such signs, giving such persons ten (10) days to dismantle and remove signs or take action to make such sign conform to the requirements of this Chapter. In the event such a sign presents a hazard to public safety, it may be removed immediately by direction of the Administrator, the Administrator's designee, or any other City official responsible for public safety.

(Ord. 2017-39, passed 6-15-2017)

§ 178.21 NONCONFORMING SIGNS.

(A) Any sign which did not conform to the provisions of Chapter 178 immediately prior to the effective date of this ordinance, and was not legally permitted and constructed, shall be an illegal nonconforming sign and shall be removed immediately.

(B) Unless otherwise subject to the provisions of §70.20, Florida Statutes, any sign which was legally permitted and constructed, but which does not conform to the provisions of Chapter 178, shall be a legal nonconforming sign and shall be governed as provided for herein.

(C) A legal nonconforming sign may not be altered, enlarged, or moved in a way which increases its degree of nonconformity, but any sign or portion thereof may be altered to decrease its degree of nonconformity, except as provided for herein. Notwithstanding the foregoing or section (D) below, a legal nonconforming sign may be reconstructed as a Digital Billboard if doing so would otherwise conform to the requirements of Chapter 178.

(D) A legal nonconforming sign shall not be structurally altered to prolong the life of the sign, except as otherwise provided herein. Reasonable repair and maintenance of nonconforming signs, including change of copy, is permitted, as provided for herein. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include replacement of materials in the sign structure. Reasonable repair does not include:

- (1) Any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure;
 - (2) Any modification that increases the sign area or the height above ground level. Embellishments may be added provided they do not exceed ten percent (10%) of the sign area, as established in Fla. Admin. Code § 14-10.007; or
 - (3) Any modification that adds lighting to a sign structure that previously did not contain lighting and does not have the approvals to do so, or changes the existing lighting from printed faces to digital faces without prior approval.
- (E) Should a legal nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as defined in subsection (D) above, then the sign shall not be reconstructed except in compliance with this Chapter.
- (F) Should a legal nonconforming sign be moved for any reason, it shall thereafter conform to the requirements of this Chapter after it is moved.

(G) A legal nonconforming sign, other than legal nonconforming billboard signs, shall be deemed an abandoned sign and shall be removed if either the sign or the sign structure has not been used, or if the parcel or parcels upon which the sign is located becomes vacant or unoccupied for a period of ninety (90) consecutive calendar days or more.

(H) A legal nonconforming billboard sign shall be deemed an abandoned sign and shall be removed if either the sign or the sign structure has not been used or becomes vacant or unoccupied for a period of twelve (12) consecutive calendar months or more.

(Ord. 2017-39, passed 6-15-2017)

§ 178.22 PENALTIES.

(A) Litter along the streets and highways, including the State highway system, public spaces, public rights-of-ways, and waterways of Palm Bay, detracts from the beauty of the city. The term "litter" shall be as defined in Florida Statute 403.413(2)(f), that is located on public property, and shall include any artificial or manmade object illegally placed within a public right-of-way or illegally nailed, fastened or affixed to any tree, public utility pole, or other object located on public property or within a public right-of-way. The terms "litter" shall include "snipe sign" as defined within this Chapter.

(B) The placement of a snipe sign on public property is transient in nature and is therefore irreparable. The existence of snipe signs are a nuisance upon the city and its staff. The adoption of the prohibition directed to snipe signs on public property shall be deemed notice of the violation. The person or business in possession or control of the snipe sign and the person or business who owns or is advertised or identified by name, address, website or other contact information on the sign may be cited upon observation of the violation. The person or business who owns or is advertised or identified on the sign shall be presumed to have permitted the placement of the snipe sign in the absence of evidence to the contrary. The term "transient in nature" shall mean that a condition exists on a temporary, periodic, or non-permanent basis. The term "irreparable" shall mean the condition is incapable of being remedied, as the harm sought to be prevented has already occurred.

(C) Violations of this Section shall be unlawful and shall be subject to the fines set forth in this subsection. Each piece of litter or separate sign that a person illegally places on or affixes to public property in violation of this Section shall be deemed a separate violation. The schedule for fines for the violations shall be as follows:

	Offense	
1st		
2nd		
3rd and each thereafter		

(D) Any litter or snipe sign placed on or affixed to public property or placed in the road right-of-way, including but not limited to public property and rights-of-way along or adjoining any roadway, in violation of this Section is hereby declared to be abandoned property and is thereby subject to being removed by an employee of the Code Compliance Division or a member of the Volunteer Citizens on Patrol (V-COP).

(E) The Division Manager of the Palm Bay Code Compliance Division, or his or her designee, shall have the duty to enforce this subsection of §178.22) through such assigned personnel as the Manager or designee determines to be appropriate.

(F) A violation of the snipe sign prohibitions of this Section shall be documented by a digital photograph taken by a Code Compliance Officer or V-COP.

(G) The Code Enforcement Board shall hear charges of code violations pursuant to the issuance of citations. The Board shall operate in the manner established in Chapter 52 of the Palm Bay Code of Ordinances.

§ 178.23 CONFLICT WITH OTHER LAWS; UNCONSTITUTIONALITY OR INVALIDITY.

(A) If any portion, clause, phrase, sentence or classification of this Chapter, now or later amended, conflicts with any federal or state statute or regulation, either now existing or later enacted, such conflicting federal or state statute or regulation shall govern and the remaining provisions of this Chapter that can be given effect without the conflicting provision shall continue in full force.

(B) If any portion, clause, phrase, sentence or classification of this Chapter, now or later amended or its application to any person or circumstance, is held or declared by a court of competent jurisdiction to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of this Chapter that can be given effect without the invalid provision or application. It is the express intention and opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

(Ord. 2017-39, passed 6-15-2017)

Appendix A: Schedule of Signs in Commercial Zoning Districts

SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
SCHEDULE OF SIGNS IN COMMERCIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	At the Property Line	None

Awning	All	1 per street frontage	10% of wall Area	10 ft.	Attached	Int. or Ext.
Banner	All	Non-Regulated	Non-Regulated	25 ft.	Non-Regulated	None
Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-Residential	None
Billboard	See § 178.17	See § 178.17	See § 178.17	See § 178.17	See § 178.17	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	At the Property Line	None
Electronic Message	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Internal
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property line	Int/Ext
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	No
Human Sign Holder	All	1 per street frontage	16 sq. ft.	10 ft.	No such Sign shall impede visibility for traffic safety	None
Inflated	All	1 per street frontage	Non-Restricted.	25 ft.	10' from any Property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non-Regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' height @ <150' frontage 25' height @ +150' frontage	10' from any Property Line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	No
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-way	External or Internal
Wall	All	Unlimited	Max 10% of Wall Area for the cumulative total of wall signs per wall	Max 5 feet above the predominant roofline	On the Principal Building	External
Wayfinding	All	1 per 1,500 linear ft. on the same side of the roadway	36 sq. ft.	10 ft.	10' from the property line of a parcel which has frontage on an Arterial or Major Collector street	None
Window	All	1 per street frontage	10% of wall Area	Not Above Roofline	N/A	N/A

(Am. Ord. 2019-68, passed 1-2-20; Am. Ord. 2021-26, passed 5-20-21)

Appendix B: Schedule of Signs in Industrial Zoning Districts

SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
SCHEDULE OF SIGNS IN INDUSTRIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
A-Frame	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None

Awning	All	1 per street frontage	10% of Area	Not above than roof line	On the Principal Building	External or Internal
Banner	All	Non-Reg. per street frontage	Non-Regulated	25 ft.	Non-regulated	None
Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-Residential	None
Billboard	See § 178.17	See § 178.17	See § 178.17	See § 178.17	See § 178.17	External or Internal
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property line	Ext. or Int.
Electronic Message	All	1 per street frontage	64 sq. ft.	10' @ 150' < ft. 25' @ + 150'	10' from any Property line	No Cinematic Movement 0 Lumens @ Property line.
Freestanding Frame	All	1 per street frontage	64 sq. ft.	10' @ 150' <, ft. 25' @ 150' >	10' from any Property line	Int/Ext.
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Human Sign Holder	All	1 per street frontage	16 sq. ft.	10 ft.	No such sign shall impede vision for traffic safety	None
Inflated	All	1 per street frontage	Non-Restricted	25 ft.	10' from any property line	External or Internal
Marquee	All	1 per street frontage	12 sq. ft.	N/A	Attached	External or Internal
Monument	All	1 per street frontage	64 sq. ft.	10 ft.	10' from any Property line	External or Internal
Pole	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' @ 150' >	10' from any Property line	Internal
Portable	All	1 per street frontage	64 sq. ft.	10 ft.	Non-regulated	Internal
Pylon	All	1 per street frontage	64 sq. ft.	10' < 150' ft. 25' + 150'	10' from any Property line	Internal
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Transit Shelter	All	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	External or Internal
Wall	All	Unlimited	Max 10% of wall area for the cumulative total of wall signs per wall	Max 5 ft. above the predominant roofline	On the Principal Building	External
Wayfinding	All	1 per 1,500 linear ft. on the same side of the roadway	36 sq. ft.	10 ft.	10' from the property line of a parcel which has frontage on an Arterial or Major Collector street	None
Window	All	1 per street frontage	10% Max. of Place	N/A	N/A	None

(Am. Ord. 2019-68, passed 1-2-20; Am. Ord. 2021-26, passed 5-20-21)

Appendix C: Schedule of Signs in Residential Zoning Districts

Schedule of Signs in Residential Zoning Districts						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Schedule of Signs in Residential Zoning Districts						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Bench	All	1 per bench	12 sq. ft.	6 ft.	Non-residential	None
Construction	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property Line	None
Directory	All	1 per street frontage	3 sq. ft.	3 ft.	10' from any Property Line	None
Future Improvement	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Real Estate	All	1 per street frontage	16 sq. ft.	10 ft.	10' from any Property line	None
Subdivision	All	2 per street frontage	32 sq. ft.	10 ft.	Not within the 10' sight Visibility Triangle	Internal or External

Transit Shelter	Mixed Use Commercial/ Residential	1 per developed parcel	16 sq. ft.	10 ft.	Right-of-Way	No External or Internal
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(Am. Ord. 2019-68, passed 1-2-20)

Appendix D: Schedule of Conditional Use Signs in Residential Zoning Districts

SCHEDULE OF CONDITIONAL USE SIGNS IN RESIDENTIAL ZONING DISTRICTS						
Sign Type	District(s)	Maximum Number	Maximum Area	Maximum Height	Placement	Illumination
Freestanding Frame	All	1 per street frontage	16 sq. ft.	10 sq. ft.	10' from any property line	External
Wall	All	1 per street frontage	Max 10% of wall area	Not above average roofline	On the principal building	External

(Ord. 2019-68, passed 1-2-20)

City of Palm Bay, Florida

USAGE AND REMOVAL OF POLITICAL SIGNS

Dear Candidate:

Pursuant to requirements of Section 106.1435, Florida Statutes, the City Clerk is required to notify the candidate in writing of the following provisions regarding usage and removal of political campaign advertisements.

Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his/her political campaign advertisements within 30 days after:

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

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in Chapter 479, Florida Statutes. The provisions herein shall not apply to political campaign advertisements placed on motor vehicles or political campaign advertisements designed to be worn by persons.

If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity shall have the authority to remove such advertisements and may charge the candidate the actual cost of such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.

Pursuant to Chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed or located on or above any state or county road right-of-way.

This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

Sincerely,

Terese M. Jones, CMC
City Clerk

I hereby acknowledge the receipt of the above notice regarding Section 106.1435, Florida Statutes, on the usage and removal of political campaign advertisements.

Candidate

Date

City of Palm Bay, Florida

MEMO TO: Qualified Candidates

FROM: Terese M. Jones, City Clerk

DATE: May 22, 2024

SUBJECT: State of Florida Sunshine Law

Below is information pertaining to the Florida Sunshine Law. Please read thoroughly and keep for future reference.

Government in the Sunshine Law

Florida's Government in the Sunshine Law provides a right of access to governmental proceedings. The public policy behind the Sunshine Law is to have all deliberations by a public body conducted in public meetings of which the public and the media have received advance notice.

1. What are the basic requirements of the Sunshine Law?

The Florida Government in the Sunshine Law, Section 286.011, Florida Statutes, contains three basic requirements:

- a. meetings of public boards or commissions must be open to the public;
- b. reasonable notice of such meetings must be given; and
- c. minutes of the meeting must be taken and promptly recorded.

2. Who does it apply to?

The City Council and all boards or committees of the City are subject to the Sunshine Law. It is applicable to advisory bodies, even though their recommendations are not binding upon the agencies that create them. *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). Note, however, that a limited exception to the applicability of the Sunshine Law has been recognized for advisory committees established for fact-finding only. "[A] committee is not subject to the Sunshine Law if the committee has only been delegated information-gathering or fact-finding authority and only conducts such activities." *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010).

Pursuant to the Florida Government-in-the-Sunshine Manual, as opined by the Attorney General's Office (AGO 92-05), the Sunshine Law does not apply to candidates for office, unless the candidate is an incumbent seeking reelection.

3. What is a “meeting” which is subject to the Sunshine Law?

The Sunshine Law extends to “discussions and deliberations” as well as to formal action taken by a public body. There is no requirement that a quorum be present for a meeting of members to be subject to the Sunshine Law. Therefore, the law is generally applicable to any gathering where two or more members of a public board or commission discuss some matter on which foreseeable action will be taken by the board, commission or committee. The term “meeting” has been found to include briefing sessions, workshop meetings, informal discussion and other meetings of the public body where no formal vote is taken. Thus, two members of a civil service board violated the Sunshine Law when they held a private discussion of a pending employment appeal during a recess of the board meeting. *Citizens for Sunshine, Inc. v. City of Sarasota*, No. 2010CA4387NC (Fla. 12th Cir. Ct. February 27, 2012).

a. Written Correspondence

A councilmember may, outside a public meeting, send documents that the councilmember wishes other members to consider on matters coming before the council for official action, provided that there is no response from, or interaction related to, such documents among the councilmembers prior to the meeting. Op. Att’y Gen. Fla. 07-35 (2007). In such cases, the records (which are subject to disclosure under the Public Records Act) are not being used as a substitute for action at a public meeting as there is no interaction among the councilmembers prior to the meeting.

However, if a report is circulated among councilmembers for comments with such comments being provided to other members, there is interaction among the councilmembers which is subject to the Sunshine Law.

4. Public Meetings

a. Notice and Recording:

Procedurally, the Sunshine Law requires the giving of notice to members of the public as to the time and place of the proposed meeting of a public entity, and the subject matter to be discussed. The notice should include, among other things, the time, place, and if available, an agenda of the subject matter. Section 286.011(2), Florida Statutes,

states that all public meetings must be “recorded” and the record made available for public inspection. The recording need not be a tape or verbatim transcript, but minutes accurately reflecting actions taken at the meeting must be taken.

b. Voting:

The use of secret ballot at public meetings is not acceptable. If a vote is required by the councilmembers then a vote must be made by each member unless there is a bona fide conflict of interest.

c. Voting Conflicts of Interest:

All councilmembers, advisory board members and committee members must keep in mind the possibility of a voting conflict of interest arising as to any items that might come before them based not only on their employment relationship, but upon other situations.

For a voting conflict to arise, “special private gain or loss” must inure to the councilmember, a principal or parent organization or subsidiary of a corporate principal by whom he/she is retained, a relative, or a business associate. Section 112.3143(3), Florida Statutes. The test formulated by the Commission on Ethics is based in part on the size of the class of persons who stand to benefit from the measure and also based upon the remote and speculative test. Where the class of persons is large, a special gain (or loss) will result only if there are circumstances unique to the member to gain (or lose) more than the other members of the class. Where the class of person benefitting from the measure is extremely small, the possibility of special gain or loss is much more likely. Additionally, if the gain or loss is of a questionable nature or magnitude, or is too remote or speculative, then there may not be “special private gain or loss.”

In addition to abstaining from the vote, if the member intends to “participate” in the decision prior to the meeting, the appointed board member should file a memo stating the conflict prior to the meeting. Section 112.3143(4), Florida Statutes. “Participate” means “any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer’s direction.” The memo shall be incorporated into the minutes of the meeting and read publicly at the meeting. If the member is only participating in the discussion at the meeting, then the conflict should be disclosed orally at the meeting before participating, and a memo should be filed within fifteen (15) days after the vote. No member may participate (attempt to influence the vote) without making this disclosure prior to the discussion on the issue.

a. Public Participation:

Until recently, Florida courts had determined that the Sunshine Law established a right to *attend* public board meetings but did not provide a right to be heard. However, section 286.0114, Florida Statutes, effective October 1, 2013, now mandates, subject to specified exemptions, that the public be given “a reasonable opportunity to be heard on a proposition before a board or commission.” The opportunity to comment does not have to occur at the same meeting at which official action is taken if the opportunity:

1. Occurs at a meeting that is during the decision-making process; and
2. Is within reasonable proximity in time before the meeting at which the board or commission takes official action.

Boards are not prohibited from “maintaining orderly conduct or proper decorum in a public meeting.” In addition, boards are authorized to adopt specified rules or policies governing the opportunity to be heard, such as time limits for speakers.

5. Does this mean we can’t have lunch?

Members of a public board or commission are not prohibited under the Sunshine Law from meeting together socially provided that matters which may come before the board or commission are not discussed at such gatherings.

Members of a public board or commission are also not prohibited under the Sunshine Law from conducting inspection trips. However, if discussions relating to the business of the board will occur between board members, advance notice must be given, the public must be afforded a reasonable opportunity to attend, and minutes must be promptly recorded and made available for inspection. In some cases, it may not be possible to invite the general public to attend such trips. In these instances, inspection trips made by members of a public board, together with staff and officials of other organizations and members of the press, are not secret meetings in violation of section 286.011, Florida Statutes even though the general public is not invited to participate. However, members of the public board should avoid discussions with fellow board members regarding public business while on such trips.

6. Beware of the Consequences!

Section 286.011(3), Florida Statutes, provides that any person knowingly violating the Sunshine Law by attending a meeting not held in accordance with the meeting requirements may be guilty of a misdemeanor of the second degree, punishable by up to

sixty (60) days in jail and/or a \$500 fine. All other violations are subject to a \$500 fine. In addition, attorneys' fees may be assessed against a party found in violation if a civil action is brought to enforce the law.

Further, no resolution, rule, regulation or formal action shall be considered binding except as taken or made at an open meeting. "Therefore, where officials have violated section 286.011, the official action is void ab initio." *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010). And see, *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974); *Blackford v. School Board of Orange County*, 375 So. 2d 578 (Fla. 5th DCA 1979) (resolutions made during meetings held in violation of section 286.011, Florida Statutes, had to be re-examined and re-discussed in open public meetings); and *TSI Southeast, Inc. v. Royals*, 588 So. 2d 309 (Fla. 1st DCA 1991) (contract for sale and purchase of real property voided because board failed to properly notice the meeting under section 286.011, Florida Statutes).

7. Conclusion.

In summary, council, board, and committee members should not discuss with each other, directly or indirectly, items that will or could foreseeably be discussed and acted on at a public meeting. This is only a brief summary of the Sunshine Law. It is not inclusive of all of the areas when the law applies. If you have questions concerning specific application, please seek guidance from the City Attorney. If you know of a particular factual situation that may constitute a conflict of interest and some doubt exists whether the conflict exists, an advisory opinion from the Commission on Ethics may be obtained.

Reference: A valuable source in this area is the *Government in the Sunshine Manual* - 2015 Edition.

City of Palm Bay, Florida

SUNSHINE LAW AFFIDAVIT

I hereby acknowledge receipt of the information regarding the Florida Sunshine Law and understand that, if elected, I am immediately subject to the Florida Sunshine Law.

Candidate (signature)

Date

Printed name of Candidate

CANDIDATE OATH

NONPARTISAN OFFICE

(Do not use this form if a Judicial or School Board Candidate)
Check box **only** if you are seeking to qualify as a write-in candidate:

☐ Write-in candidate

OFFICE USE ONLY

Candidate Oath

Name to appear on ballot: _____

Check box if two last names without hyphen. ☐ (Name cannot be changed after qualifying.)

Check box if name includes nickname. ☐ (For use of a nickname, you must complete the Nickname Affidavit on reverse side.)

I swear or affirm that I am a candidate for the nonpartisan office of _____, _____, _____,
(Office) (District #)
_____, _____; I am a qualified elector of _____ County, Florida.
(Circuit #) (Group or Seat #)

I am a qualified elector under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Statement of Outstanding Fines, Fees, or Penalties

I owe outstanding fines, fees, or penalties, that cumulatively exceed \$250, for ethics or campaign finance violations (s. 99.021(1)(d), F.S.).

YES, I Do _____ NO, I Do Not _____

If you do, you must also specify the amount owed and each entity that levied the same on the reverse side.

X

()

Signature of Candidate

Telephone Number

Email Address

Address of Legal Residence

City

State

ZIP Code

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ OR physical presence ☐

this _____ day of _____, 20____.

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced: _____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

Phonetic Spelling of Name

Phonetic spelling for the audio ballot (not required for qualifying purposes): Print the name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (see instructions on page 3 of this form):

Statement of Outstanding Fines, Fees or Penalties

Pursuant to Section 99.021(1)(d), F.S., each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees under part III of chapter 112, any local ethics ordinance governing standards of conduct and disclosure requirements, or chapter 106.

Amount	Entity

Affidavit of Nickname (Only required if using nickname for the ballot.)

My legal name is _____. I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

My nickname is _____. I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. My nickname does not imply I am some other person, constitute a political slogan or otherwise associate me with a cause or issue, or that is obscene or profane.

Signature of Candidate: _____

STATE OF FLORIDA

COUNTY OF _____

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

Sworn to (or affirmed) and subscribed before me by means

of online notarization ☐ OR physical presence ☐

this _____ day of _____, 20_____.

Personally Known ☐ OR Produced Identification ☐

Type of Identification Produced: _____

DO NOT SUBMIT THIS PAGE TO THE FILING OFFICER

Guide for Designating Phonetic Spelling of Candidate's Name for Audio Ballot

1. Use the tables below.
2. Use upper case for "stressed" syllables. Use lowercase for "unstressed" syllables.
3. Use dashes (-) to separate syllables.
4. Add any notes such as rhyming examples, silent letters, etc.

Vowels			
Stressed Vowel Sounds		Unstressed Vowel Sounds	
EE	(FEET) feet	uh	(SO-fuh) sofa (FING-guhr) finger
I	(FIT) fit		
E	(BED) bed		
A	(KAT) cat (KAD) cad		
AH	(FAH-thur) father (PAHR) par		
AH	(HAHT) hot (TAH-dee) toddy		
UH	(FUHJ) fudge (FLUHD) flood		
UH	(CHUHRCH) church		
AW	(FAWN) fawn	Certain Vowel Sounds with R	
U	(FUL) full	AHR	(PAHR) par
OO	(FOOD) food	ER	(PER) pair
OU	(FOUND) found	IR	(PIR) peer
O	(FO) foe	OR	(POR) pour
EI	(FEIT) fight	OOR	(POOR) poor
AI	(FAIT) fate	UHR	(PUHR) purr
OI	(FOIL) foil		
YOO	(FYOOR-ee-uhs) furious		
Consonants			
B	(BED) bed	R	(RED) red
D	(DET) debt	S	(SET) set
F	(FED) fed	T	(TEN) ten
G	(GET) get	V	(VET) vet
H	(HED) head	Y	(YET) yet
HW	(WHICH) which	W	(WICH) witch
J	(JUHG) jug	CH	(CHUCRCH) church
K	(KAD) cad	SH	(SHEEP) sheep
L	(LAIM) lame	TS	(ITS) its (PITS-feeld) Pittsfield
M	(MAT) mat	TH	(THEI) thigh
N	(NET) net	TH	(THEI) thy
NG	(SING-uhr) singer	ZH	(A-zuhr) azure (VI-zuhhn) vision
P	(PET) pet	Z	(GOODZ) goods(HUH-buhz-tuhn) Hubbardston
Examples of Phonetically Spelled Names			
NAME ON BALLOT		PRONOUNCED AS	
Mishaud		mee-SHO ('d' is silent)	
Jahn		HAHN (rhyme: fawn)	
Beauprez		boo-PRAI (rhyme: hooray)	
Maniscalco		man-uh-SKAL-ko	
Tangipahoa		TAN-ji-pah-HO-uh	
Monte		Mahn-TAI	
Tanya		TAWN-yuh (not TAN)	

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CITY OF PALM BAY

2024 CALENDAR OF REPORTING DATES

PRIMARY ELECTION – AUGUST 20, 2024
GENERAL ELECTION – NOVEMBER 5, 2024

06/01/24 – 06/14/24	2024 P1	Fri 06/21/24
06/15/24 – 06/28/24	2024 P2	Fri 07/05/24
06/29/24 – 07/12/24	2024 P3	Fri 07/19/24
07/13/24 – 07/19/24	2024 P4	Fri 07/26/24
07/20/24 – 07/26/24	2024 P5	Fri 08/02/24
07/27/24 – 08/02/24	2024 P6	Fri 08/09/24
08/03/24 – 08/15/24	2024 P7	Fri 08/16/24

08/16/24 – 08/23/24	2024 G1	Fri 08/30/24
08/24/24 – 09/06/24	2024 G2	Fri 09/13/24
09/07/24 – 09/20/24	2024 G3	Fri 09/27/24
09/21/24 – 10/04/24	2024 G4	Fri 10/11/24
10/05/24 – 10/18/24	2024 G5	Fri 10/25/24
10/19/24 – 10/31/24	2024 G6	Fri 11/01/24

Termination Reports

Cover Period	Report Code	Due Date
After June Qualifying	TR	Thur 09/12/24
Primary Election	TR	Mon 11/18/24
General Election	TR	Mon 02/03/25

Candidates must file their reports with the Office of the City Clerk and can be filed in person, via USPS or via email to terri.lefler@pbfl.org.

Campaign reporting forms (listed below) are available on the Florida Division of Elections website (<https://dos.myflorida.com/elections/forms-publications/forms/>):

- ❖ DS-DE 12: Campaign Treasurer's Report – Summary
- ❖ DS-DE 13: Campaign Treasurer's Report – Itemized Contributions
- ❖ DS-DE 14: Campaign Treasurer's Report – Itemized Expenditures
- ❖ DS-DE 87: Waiver of Report

F.S. 106.07 Reports: certification and filing.

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate...

(2)(a)1. ...reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated is deemed to have been filed in a timely manner...

(8)(a) Any candidate or political committee failing to file a report on the designated due date is subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer...

(8)(b) ...The fine is \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine is \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report...

CITY OF PALM BAY
2024 CALENDAR OF REPORTING DATES
SPECIAL ELECTION – NOVEMBER 5, 2024

!!!!SEAT 5 FILING ONLY!!!!

Cover Period	Report Code	Due Date
04/01/24 – 06/30/24	2024 Q2	Wed 07/10/24
07/01/24 – 08/31/24	2024 Q3	Tue 09/10/24
09/01/24 – 10/04/24	2024 S1	Fri 10/11/24
10/05/24 – 10/18/24	2024 S2	Fri 10/25/24
10/19/24 – 10/31/24	2024 S3	Fri 11/01/24

Termination Reports

Cover Period	Report Code	Due Date
After June Qualifying	TR	Thur 09/12/24
General Election	TR	Mon 02/03/25

Candidates must file their reports with the Office of the City Clerk and can be filed in person, via USPS or via email to terri.lefler@pbfl.org.

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- ❖ DS-DE 87: Waiver of Report

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(2)(a)1. ...reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated is deemed to have been filed in a timely manner...

City of Palm Bay, Florida
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(8)(a) Any candidate or political committee failing to file a report on the designated due date is subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer...

(8)(b) ...The fine is \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine is \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report...