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August 31, 2007

VIA FACSIMILE (407-487-1840) AND REGULAR MAIL  
 Glenn M. Katon  
 ACLU Foundation of Florida  
 Central Region Office  
 231 East Colonial Drive, Suite 150  
 Orlando, FL 32801

Re: Your Letter of August 30, 2007  
 Our Client: City of Clermont  
 Your Clients: Bryan and Leilani Orr

Dear Mr. Katon:

As City Attorney for the City of Clermont I have been provided a copy of the above-referenced letter for response. In accordance therewith, you are advised that effective immediately, the City will not take any action to enforce the provisions of Section 102-18 of the City Code as it relates to the pre-payment of a deposit related to the removal of the sign. You are

*Glenn M. Katon*

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further advised that our office has been requested to continue its review of the City Code and make appropriate recommendations to City staff as to possible revisions to the code in accordance with applicable law and to further the legally sufficient and valid public purposes of the code, including but not limited to, the removal of political signs after an election.

As we are sure you are aware, *Florida Statute Sec. 106.1435*, authorizes the City as a government entity to, after the appropriate period of time, remove political signs and charge the candidate with the actual cost of such removal. Our initial view in this matter is that we may recommend a change to the City to invoke the authority of Sec. 106.1435 and for the City to institute a process for the removal of the signs and the billing of candidates for the actual costs. As we have in the past when working with opposing counsel on these complicated constitutional issues, we welcome and invite your office to provide to our office any further information or suggestions you may have in this regard.

Additionally, and on a related note, we have been advised by City staff that on at least one inspection date, the specific sign at your clients' home had been observed to have been placed in the public right-of-way. In our view, the City is authorized to enforce the code provisions related to the placement of the sign in the public right-of-way. As a result, unless you disagree, we respectfully request that you advise your client that the City's codes may be legally enforceable with regard to the placement and size of any sign within the City.

Once again, if you have any additional information you would like to provide to our office for review, we welcome the opportunity to review same. Additionally, if you would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

  
Daniel E. Mantzaris

cc: Mayor Turville and Council Members  
Wayne Saunders, City Manager  
James Hitt, City Planning Director  
Betty McMinamen, Code Enforcement Officer