

1 A bill to be entitled

2 An act relating to the Department of Transportation;  
3 creating s. 339.041, F.S.; providing legislative  
4 findings and intent; authorizing the department to  
5 seek certain investors for certain leases; prohibiting  
6 the department from pledging the credit, general  
7 revenues, or taxing power of the state or any  
8 political subdivision of the state; specifying the  
9 collection and deposit of lease payments by agreement  
10 with the department; amending s. 373.618, F.S.;  
11 removing a provision exempting certain public  
12 information systems from local government review or  
13 approval; providing that a public information system  
14 is subject to the requirements of ch. 479, F.S.;  
15 requiring that certain public information systems be  
16 approved by the United States Department of  
17 Transportation and the Federal Highway Administration  
18 under certain circumstances; amending s. 479.01, F.S.,  
19 relating to outdoor advertising signs; revising and  
20 deleting definitions; amending s. 479.02, F.S.;  
21 revising duties of the Department of Transportation  
22 relating to signs; deleting a requirement that the  
23 department adopt certain rules; creating s. 479.024,  
24 F.S.; limiting the placement of signs to commercial or  
25 industrial zones; defining the terms "parcel" and  
26 "utilities"; requiring a local government to use

27 specified criteria to determine zoning for commercial  
28 or industrial parcels; providing that certain parcels  
29 are considered unzoned commercial or industrial areas;  
30 authorizing a permit for a sign in an unzoned  
31 commercial or industrial area in certain  
32 circumstances; prohibiting specified uses and  
33 activities from being independently recognized as  
34 commercial or industrial; providing an appeal process  
35 for an applicant whose permit is denied; requiring an  
36 applicant whose application is denied to remove an  
37 existing sign pertaining to the application; requiring  
38 the department to reduce certain transportation  
39 funding in certain circumstances; amending s. 479.03,  
40 F.S.; requiring notice to owners of intervening  
41 privately owned lands before the department enters  
42 upon such lands to remove an illegal sign; amending s.  
43 479.04, F.S.; providing that an outdoor advertising  
44 license is not required solely to erect or construct  
45 outdoor signs or structures; amending s. 479.05, F.S.;  
46 authorizing the department to suspend a license for  
47 certain offenses and specifying activities that the  
48 licensee may engage in during the suspension;  
49 prohibiting the department from granting a transfer of  
50 an existing permit or issuing an additional permit  
51 during the suspension; amending s. 479.07, F.S.;  
52 revising requirements for obtaining sign permits;

53 conforming and clarifying provisions; revising permit  
54 tag placement requirements for signs; deleting a  
55 provision that allows a permittee to provide its own  
56 replacement tag; increasing the permit transfer fee  
57 for any multiple transfers between two outdoor  
58 advertisers in a single transaction; revising the  
59 permit reinstatement fee; revising requirements for  
60 permitting certain signs visible to more than one  
61 highway; deleting provisions limiting a pilot program  
62 to specified locations; deleting redundant provisions  
63 relating to certain new or replacement signs; deleting  
64 provisions requiring maintenance of statistics on the  
65 pilot program; amending s. 479.08, F.S.; revising  
66 provisions relating to the denial or revocation of a  
67 permit because of false or misleading information in  
68 the permit application; amending s. 479.10, F.S.;  
69 authorizing the cancellation of a permit; amending s.  
70 479.105, F.S.; revising notice requirements to owners  
71 and advertisers relating to signs erected or  
72 maintained without a permit; revising procedures for  
73 the department to issue a permit as a conforming or  
74 nonconforming sign to the owner of an unpermitted  
75 sign; providing a penalty; amending s. 479.106, F.S.;  
76 revising provisions relating to the removal, cutting,  
77 or trimming of trees or vegetation to increase sign  
78 face visibility; providing that a specified penalty is

79 applied per sign facing; amending s. 479.107, F.S.;

80 deleting a fine for specified violations; amending s.

81 479.11, F.S.; prohibiting signs on specified portions

82 of the interstate highway system; amending s. 479.111,

83 F.S.; clarifying a reference to a certain agreement;

84 amending s. 479.15, F.S.; deleting a definition;

85 revising provisions relating to relocation of certain

86 signs on property subject to public acquisition;

87 amending s. 479.156, F.S.; clarifying provisions

88 relating to the regulation of wall murals; amending s.

89 479.16, F.S.; exempting certain signs from ch. 479,

90 F.S.; exempting from permitting certain signs placed

91 by tourist-oriented businesses, certain farm signs

92 placed during harvest seasons, certain acknowledgment

93 signs on publicly funded school premises, and certain

94 displays on specific sports facilities; prohibiting

95 certain permit exemptions from being implemented or

96 continued if the implementations or continuations will

97 adversely impact the allocation of federal funds to

98 the Department of Transportation; directing the

99 department to notify a sign owner that the sign must

100 be removed if federal funds are adversely impacted;

101 authorizing the department to remove the sign and

102 assess costs to the sign owner under certain

103 circumstances; amending s. 479.24, F.S.; clarifying

104 provisions relating to compensation paid for the

105 department's acquisition of lawful signs; amending s.  
106 479.25, F.S.; revising provisions relating to local  
107 government action with respect to erection of noise-  
108 attenuation barriers that block views of lawfully  
109 erected signs; deleting provisions to conform to  
110 changes made by the act; amending s. 479.261, F.S.;  
111 expanding the logo program to the limited access  
112 highway system; conforming provisions related to a  
113 logo sign program on the limited access highway  
114 system; amending s. 479.262, F.S.; clarifying  
115 provisions relating to the tourist-oriented  
116 directional sign program; limiting the placement of  
117 such signs to intersections on certain rural roads;  
118 prohibiting such signs in urban areas or at  
119 interchanges on freeways or expressways; amending s.  
120 479.313, F.S.; requiring a permittee to pay the cost  
121 of removing certain signs following the cancellation  
122 of the permit for the sign; repealing s. 76 of chapter  
123 2012-174, Laws of Florida, relating to authorizing the  
124 department to seek Federal Highway Administration  
125 approval of a tourist-oriented commerce sign pilot  
126 program and directing the department to submit the  
127 approved pilot program for legislative approval;  
128 providing an effective date.

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130 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 339.041, Florida Statutes, is created to read:

339.041 Factoring of revenues from leases for wireless communication facilities.-

(1) The Legislature finds that efforts to increase funding for capital expenditures for the transportation system are necessary for the protection of the public safety and general welfare and for the preservation of transportation facilities in this state. Therefore, it is the intent of the Legislature to:

(a) Create a mechanism for factoring future revenues received by the department from leases for wireless communication facilities on department property on a nonrecourse basis;

(b) Fund fixed capital expenditures for the statewide transportation system from proceeds generated through this mechanism; and

(c) Maximize revenues from factoring by ensuring that such revenues are exempt from income taxation under federal law in order to increase funds available for capital expenditures.

(2) For the purposes of factoring future revenues under this section, department property includes real property located within the department's limited access rights-of-way, real property located outside the current operating right-of-way limits which is not needed to support current transportation facilities, other property owned by the Board of Trustees of the

157 Internal Improvement Trust Fund and leased by the department,  
158 space on department telecommunications facilities, and space on  
159 department structures.

160 (3) The department may seek investors willing to enter  
161 into agreements to purchase the revenue stream from one or more  
162 existing department leases for wireless communication facilities  
163 on property owned or controlled by the department.

164 (4) The department may not pledge the credit, the general  
165 revenues, or the taxing power of the state or of any political  
166 subdivision of the state. The obligations of the department and  
167 investors under the agreement do not constitute a general  
168 obligation of the state or a pledge of the full faith and credit  
169 or taxing power of the state. The agreement is payable from and  
170 secured solely by payments received from department leases for  
171 wireless communication facilities on property owned or  
172 controlled by the department, and neither the state nor any of  
173 its agencies has any liability beyond such payments.

174 (5) The department may make any covenant or representation  
175 necessary or desirable in connection with the agreement,  
176 including a commitment by the department to take whatever  
177 actions are necessary on behalf of investors to enforce the  
178 department's rights to payments on property leased for wireless  
179 communications facilities. However, the department may not  
180 guarantee that actual revenues received in a future year will be  
181 those anticipated in its leases for wireless communication  
182 facilities. The department may agree to use its best efforts to

183 ensure that anticipated future-year revenues are protected. Any  
 184 risk that actual revenues received from department leases for  
 185 wireless communications facilities are lower than anticipated  
 186 shall be borne exclusively by investors.

187 (6) Subject to annual appropriation, investors shall  
 188 collect the lease payments on a schedule and in a manner  
 189 established in the agreements entered into by the department and  
 190 investors pursuant to this section. The agreements may provide  
 191 for lease payments to be made directly to investors by lessees  
 192 if the lease agreements entered into by the department and the  
 193 lessees pursuant to s. 365.172(12)(f) allow direct payment.

194 (7) Proceeds received by the department from leases for  
 195 wireless communication facilities shall be deposited in the  
 196 State Transportation Trust Fund created under s. 206.46 and used  
 197 for fixed capital expenditures for the statewide transportation  
 198 system.

199 Section 2. Section 373.618, Florida Statutes, is amended  
 200 to read:

201 373.618 Public service warnings, alerts, and  
 202 announcements.—The Legislature believes it is in the public  
 203 interest that all water management districts created pursuant to  
 204 s. 373.069 own, acquire, develop, construct, operate, and manage  
 205 public information systems. Public information systems may be  
 206 located on property owned by the water management district, upon  
 207 terms and conditions approved by the water management district,  
 208 and must display messages to the general public concerning water



209 management services, activities, events, and sponsors, as well  
 210 as other public service announcements, including watering  
 211 restrictions, severe weather reports, amber alerts, and other  
 212 essential information needed by the public. ~~Local government~~  
 213 ~~review or approval is not required for a public information~~  
 214 ~~system owned or hereafter acquired, developed, or constructed by~~  
 215 ~~the water management district on its own property.~~ A public  
 216 information system is subject to ~~exempt from~~ the requirements of  
 217 chapter 479. However, a public information system that is  
 218 subject to the Highway Beautification Act of 1965 must be  
 219 approved by the United States Department of Transportation and  
 220 the Federal Highway Administration if such approval is required  
 221 by federal law and federal regulation under the agreement  
 222 between the state and the United States Department of  
 223 Transportation and by federal regulations enforced by the  
 224 Department of Transportation under s. 479.02(1). Water  
 225 management district funds may not be used to pay the cost to  
 226 acquire, develop, construct, operate, or manage a public  
 227 information system. Any necessary funds for a public information  
 228 system shall be paid for and collected from private sponsors who  
 229 may display commercial messages.

230 Section 3. Section 479.01, Florida Statutes, is amended to  
 231 read:

232 479.01 Definitions.—As used in this chapter, the term:

233 (1) "Allowable uses" means the intended uses identified in  
 234 a local government's land development regulations which ~~those~~

235 ~~uses that~~ are authorized within a zoning category as a use by  
236 right, without the requirement to obtain a variance or waiver.  
237 The term includes conditional uses and those allowed by special  
238 exception if such uses are a present and actual use, but does  
239 not include uses that are accessory, ancillary, incidental to  
240 the allowable uses, or allowed only on a temporary basis.

241 (2) "Automatic changeable facing" means a facing that is  
242 capable of delivering two or more advertising messages through  
243 an automated or remotely controlled process.

244 (3) "Business of outdoor advertising" means the business  
245 of ~~constructing, erecting, operating, using,~~ maintaining,  
246 leasing, or selling outdoor advertising structures, outdoor  
247 advertising signs, or outdoor advertisements.

248 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
249 ~~designated for commercial or industrial uses under both the~~  
250 ~~future land use map of the comprehensive plan and the land use~~  
251 ~~development regulations adopted pursuant to chapter 163. If a~~  
252 ~~parcel is located in an area designated for multiple uses on the~~  
253 ~~future land use map of a comprehensive plan and the zoning~~  
254 ~~category of the land development regulations does not clearly~~  
255 ~~designate that parcel for a specific use, the area will be~~  
256 ~~considered an unzoned commercial or industrial area if it meets~~  
257 ~~the criteria of subsection (26).~~

258 (4)(5) "Commercial use" means activities associated with  
259 the sale, rental, or distribution of products or the performance  
260 of services. The term includes, but is not limited to ~~without~~

261 ~~limitation~~, such uses or activities as retail sales; wholesale  
 262 sales; rentals of equipment, goods, or products; offices;  
 263 restaurants; food service vendors; sports arenas; theaters; and  
 264 tourist attractions.

265 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
 266 nearest edge of the right-of-way of any portion of the State  
 267 Highway System, interstate, or federal-aid primary highway  
 268 system and beyond 660 feet of the nearest edge of the right-of-  
 269 way of any portion of the State Highway System, interstate  
 270 highway system, or federal-aid primary system outside an urban  
 271 area.

272 (6)~~(7)~~ "Department" means the Department of  
 273 Transportation.

274 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,  
 275 place, affix, attach, create, paint, draw, or in any other way  
 276 bring into being or establish. The term;~~but it~~ does not include  
 277 such any of the foregoing activities when performed as an  
 278 incident to the change of advertising message or customary  
 279 maintenance or repair of a sign.

280 (8)~~(9)~~ "Federal-aid primary highway system" means the  
 281 federal-aid primary highway system in existence on June 1, 1991,  
 282 and any highway that was not a part of such system as of that  
 283 date but that is, or became after June 1, 1991, a part of the  
 284 National Highway System, including portions that have been  
 285 accepted as part of the National Highway System but are unbuilt  
 286 or unopened ~~existing, unbuilt, or unopened system of highways or~~

287 ~~portions thereof, which shall include the National Highway~~  
 288 ~~System, designated as the federal-aid primary highway system by~~  
 289 ~~the department.~~

290 (9)~~(10)~~ "Highway" means any road, street, or other way  
 291 open or intended to be opened to the public for travel by motor  
 292 vehicles.

293 (10)~~(11)~~ "Industrial use" means activities associated with  
 294 the manufacture, assembly, processing, or storage of products or  
 295 the performance of related services ~~relating thereto~~. The term  
 296 includes, but is not limited to ~~without limitation~~, such uses or  
 297 activities as automobile manufacturing or repair, boat  
 298 manufacturing or repair, junk yards, meat packing facilities,  
 299 citrus processing and packing facilities, produce processing and  
 300 packing facilities, electrical generating plants, water  
 301 treatment plants, sewage treatment plants, and solid waste  
 302 disposal sites.

303 (11)~~(12)~~ "Interstate highway system" means the existing,  
 304 unbuilt, or unopened system of highways or portions thereof  
 305 designated as the national system of interstate and defense  
 306 highways by the department.

307 (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
 308 highway on which through traffic is carried. In the case of a  
 309 divided highway, the traveled way of each of the separate  
 310 roadways for traffic in opposite directions is a main-traveled  
 311 way. The term ~~It~~ does not include such facilities as frontage  
 312 roads, turning roadways which specifically include on-ramps or

313 off-ramps to the interstate highway system, or parking areas.

314 (13)~~(14)~~ "Maintain" means to allow to exist.

315 (14)~~(15)~~ "Motorist services directional signs" means signs  
 316 providing directional information about goods and services in  
 317 the interest of the traveling public where such signs were  
 318 lawfully erected and in existence on or before May 6, 1976, and  
 319 continue to provide directional information to goods and  
 320 services in a defined area.

321 (15)~~(16)~~ "New highway" means the construction of any road,  
 322 paved or unpaved, where no road previously existed or the act of  
 323 paving any previously unpaved road.

324 (16)~~(17)~~ "Nonconforming sign" means a sign which was  
 325 lawfully erected but which does not comply with the land use,  
 326 setback, size, spacing, and lighting provisions of state or  
 327 local law, rule, regulation, or ordinance passed at a later date  
 328 or a sign which was lawfully erected but which later fails to  
 329 comply with state or local law, rule, regulation, or ordinance  
 330 due to changed conditions.

331 (17)~~(18)~~ "Premises" means all the land areas under  
 332 ownership or lease arrangement to the sign owner which are  
 333 contiguous to the business conducted on the land except for  
 334 instances where such land is a narrow strip contiguous to the  
 335 advertised activity or is connected by such narrow strip, the  
 336 only viable use of such land is to erect or maintain an  
 337 advertising sign. If ~~When~~ the sign owner is a municipality or  
 338 county, the term means ~~"premises" shall mean~~ all lands owned or

339 leased by the ~~such~~ municipality or county within its  
 340 jurisdictional boundaries ~~as set forth by law.~~

341 (18)~~(19)~~ "Remove" means to disassemble all sign materials  
 342 above ground level and~~7~~ transport such materials from the site~~7~~  
 343 ~~and dispose of sign materials by sale or destruction.~~

344 (19)~~(20)~~ "Sign" means any combination of structure and  
 345 message in the form of an outdoor sign, display, device, figure,  
 346 painting, drawing, message, placard, poster, billboard,  
 347 advertising structure, advertisement, logo, symbol, or other  
 348 form, whether placed individually or on a V-type, back-to-back,  
 349 side-to-side, stacked, or double-faced display or automatic  
 350 changeable facing, designed, intended, or used to advertise or  
 351 inform, any part of the advertising message or informative  
 352 contents of which is visible from any place on the main-traveled  
 353 way. The term does not include an official traffic control sign,  
 354 official marker, or specific information panel erected, caused  
 355 to be erected, or approved by the department.

356 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from  
 357 which the message or informative contents are most visible to  
 358 oncoming traffic on the main-traveled way.

359 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,  
 360 including trim and background, which contains the message or  
 361 informative contents, including an automatic changeable face.

362 (22)~~(23)~~ "Sign facing" includes all sign faces and  
 363 automatic changeable faces displayed at the same location and  
 364 facing the same direction.

365 (23)~~(24)~~ "Sign structure" means all the interrelated parts  
 366 and material, such as beams, poles, and stringers, which are  
 367 constructed for the purpose of supporting or displaying a  
 368 message or informative contents.

369 (24)~~(25)~~ "State Highway System" has the same meaning as in  
 370 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~  
 371 ~~highways or portions thereof designated as the State Highway~~  
 372 ~~System by the department.~~

373 ~~(26) "Unzoned commercial or industrial area" means a~~  
 374 ~~parcel of land designated by the future land use map of the~~  
 375 ~~comprehensive plan for multiple uses that include commercial or~~  
 376 ~~industrial uses but are not specifically designated for~~  
 377 ~~commercial or industrial uses under the land development~~  
 378 ~~regulations, in which three or more separate and distinct~~  
 379 ~~conforming industrial or commercial activities are located.~~

380 ~~(a) These activities must satisfy the following criteria:~~  
 381 ~~1. At least one of the commercial or industrial activities~~  
 382 ~~must be located on the same side of the highway and within 800~~  
 383 ~~feet of the sign location;~~  
 384 ~~2. The commercial or industrial activities must be within~~  
 385 ~~660 feet from the nearest edge of the right-of-way; and~~  
 386 ~~3. The commercial industrial activities must be within~~  
 387 ~~1,600 feet of each other.~~

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 389 ~~Distances specified in this paragraph must be measured from the~~  
 390 ~~nearest outer edge of the primary building or primary building~~

391 ~~complex when the individual units of the complex are connected~~  
 392 ~~by covered walkways.~~

393 ~~(b) Certain activities, including, but not limited to, the~~  
 394 ~~following, may not be so recognized as commercial or industrial~~  
 395 ~~activities:~~

396 ~~1. Signs.~~

397 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
 398 ~~related activities, including, but not limited to, wayside fresh~~  
 399 ~~produce stands.~~

400 ~~3. Transient or temporary activities.~~

401 ~~4. Activities not visible from the main traveled way.~~

402 ~~5. Activities conducted more than 660 feet from the~~  
 403 ~~nearest edge of the right of way.~~

404 ~~6. Activities conducted in a building principally used as~~  
 405 ~~a residence.~~

406 ~~7. Railroad tracks and minor sidings.~~

407 ~~8. Communication towers.~~

408 ~~(25)-(27)~~ "Urban area" has the same meaning as ~~defined~~ in  
 409 ~~s. 334.03(31).~~

410 ~~(26)-(28)~~ "Visible commercial or industrial activity" means  
 411 a commercial or industrial activity that is capable of being  
 412 seen without visual aid by a person of normal visual acuity from  
 413 the main-traveled way and that is generally recognizable as  
 414 commercial or industrial.

415 ~~(27)-(29)~~ "Visible sign" means that the advertising message  
 416 or informative contents of a sign, whether or not legible, can



417 | ~~be is capable of being~~ seen without visual aid by a person of  
 418 | normal visual acuity.

419 |       ~~(28)(30)~~ "Wall mural" means a sign that is a painting or  
 420 | an artistic work composed of photographs or arrangements of  
 421 | color and that displays a commercial or noncommercial message,  
 422 | relies solely on the side of the building for rigid structural  
 423 | support, and is painted on the building or depicted on vinyl,  
 424 | fabric, or other similarly flexible material that is held in  
 425 | place flush or flat against the surface of the building. The  
 426 | term excludes a painting or work placed on a structure that is  
 427 | erected for the sole or primary purpose of signage.

428 |       ~~(29)(31)~~ "Zoning category" means the designation under the  
 429 | land development regulations or other similar ordinance enacted  
 430 | to regulate the use of land as provided in s. 163.3202(2)(b),  
 431 | which designation sets forth the allowable uses, restrictions,  
 432 | and limitations on use applicable to properties within the  
 433 | category.

434 |       Section 4. Section 479.02, Florida Statutes, is amended to  
 435 | read:

436 |       479.02 Duties of the department. ~~It shall be the duty of~~  
 437 | The department shall ~~to~~:

- 438 |       (1) Administer and enforce ~~the provisions of~~ this chapter,  
 439 | ~~and the 1972~~ agreement between the state and the United States  
 440 | Department of Transportation ~~relating to the size, lighting, and~~  
 441 | ~~spacing of signs in accordance with Title I of the Highway~~  
 442 | ~~Beautification Act of 1965 and Title 23 of the,~~ United States

443 Code, and federal regulations, including, but not limited to,  
 444 those pertaining to the maintenance, continuance, and removal of  
 445 nonconforming signs ~~in effect as of the effective date of this~~  
 446 ~~act.~~

447 (2) Regulate size, height, lighting, and spacing of signs  
 448 permitted on commercial and industrial parcels and in unzoned  
 449 commercial or industrial areas ~~in zoned and unzoned commercial~~  
 450 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
 451 highway system and the federal-aid primary highway system.

452 (3) Determine ~~unzoned~~ commercial and industrial parcels  
 453 and unzoned commercial or areas ~~and unzoned~~ industrial areas in  
 454 the manner provided in s. 479.024.

455 (4) Implement a specific information panel program on the  
 456 limited access ~~interstate~~ highway system to promote tourist-  
 457 oriented businesses by providing directional information safely  
 458 and aesthetically.

459 (5) Implement a rest area information panel or devices  
 460 program at rest areas along the interstate highway system and  
 461 the federal-aid primary highway system to promote tourist-  
 462 oriented businesses.

463 (6) Test and, if economically feasible, implement  
 464 alternative methods of providing information in the specific  
 465 interest of the traveling public which allow the traveling  
 466 public freedom of choice, conserve natural beauty, and present  
 467 information safely and aesthetically.

468 (7) Adopt such rules as the department ~~it~~ deems necessary

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469 or proper for the administration of this chapter, including  
470 rules that ~~which~~ identify activities that may not be recognized  
471 as industrial or commercial activities for purposes of  
472 determination of a ~~an area as an unzoned~~ commercial or  
473 industrial parcel or an unzoned commercial or industrial area in  
474 the manner provided in s. 479.024.

475 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the  
476 location of all signs on the state highway system, interstate  
477 highway system, and federal-aid primary highway system to be  
478 used as systems. ~~Upon completion of the inventory, it shall~~  
479 ~~become~~ the database and permit information for all permitted  
480 ~~signs permitted at the time of completion, and the previous~~  
481 ~~records of the department shall be amended accordingly.~~ The  
482 inventory shall be updated at least ~~no less than~~ every 2 years.  
483 ~~The department shall adopt rules regarding what information is~~  
484 ~~to be collected and preserved to implement the purposes of this~~  
485 ~~chapter.~~ The department may perform the inventory using  
486 department staff, or may contract with a private firm to perform  
487 the work, whichever is more cost efficient. The department shall  
488 maintain a database of sign inventory information such as sign  
489 location, size, height, and structure type, the permittee's  
490 ~~permitholder's~~ name, and any other information the department  
491 finds necessary to administer the program.

492 Section 5. Section 479.024, Florida Statutes, is created  
493 to read:

494 479.024 Commercial and industrial parcels.—Signs shall be

495 permitted by the department only in commercial or industrial  
 496 zones, as determined by the local government, in compliance with  
 497 chapter 163, unless otherwise provided in this chapter.

498 Commercial and industrial zones are those areas appropriate for  
 499 commerce, industry, or trade, regardless of how those areas are  
 500 labeled.

501 (1) As used in this section, the term:

502 (a) "Parcel" means the property where the sign is located  
 503 or is proposed to be located.

504 (b) "Utilities" includes all privately, publicly, or  
 505 cooperatively owned lines, facilities, and systems for  
 506 producing, transmitting, or distributing communications, power,  
 507 electricity, light, heat, gas, oil, crude products, water,  
 508 steam, waste, and stormwater not connected with the highway  
 509 drainage, and other similar commodities.

510 (2) The determination as to zoning by the local government  
 511 for the parcel must meet all of the following criteria:

512 (a) The parcel is comprehensively zoned and includes  
 513 commercial or industrial uses as allowable uses.

514 (b) The parcel can reasonably accommodate a commercial or  
 515 industrial use under the future land use map of the  
 516 comprehensive plan and land use development regulations, as  
 517 follows:

518 1. Sufficient utilities are available to support  
 519 commercial or industrial development; and

520 2. The size, configuration, and public access of the

521 parcel are sufficient to accommodate a commercial or industrial  
522 use, given the requirements in the comprehensive plan and land  
523 development regulations for vehicular access, on-site  
524 circulation, building setbacks, buffering, parking, and other  
525 applicable standards or the parcel consists of railroad tracks  
526 or minor sidings abutting commercial or industrial property that  
527 meets the criteria of this subsection.

528 (c) The parcel is not being used exclusively for  
529 noncommercial or nonindustrial uses.

530 (3) If a local government has not designated zoning  
531 through land development regulations in compliance with chapter  
532 163 but has designated the parcel under the future land use map  
533 of the comprehensive plan for uses that include commercial or  
534 industrial uses, the parcel shall be considered an unzoned  
535 commercial or industrial area. For a permit to be issued for a  
536 sign in an unzoned commercial or industrial area, there must be  
537 three or more distinct commercial or industrial activities  
538 within 1,600 feet of each other, with at least one of the  
539 commercial or industrial activities located on the same side of  
540 the highway as, and within 800 feet of, the sign location.  
541 Multiple commercial or industrial activities enclosed in one  
542 building shall be considered one use if all activities have only  
543 shared building entrances.

544 (4) For purposes of this section, certain uses and  
545 activities may not be independently recognized as commercial or  
546 industrial, including, but not limited to:

547 (a) Signs.

548 (b) Agricultural, forestry, ranching, grazing, farming,  
549 and related activities, including, but not limited to, wayside  
550 fresh produce stands.

551 (c) Transient or temporary activities.

552 (d) Activities not visible from the main-traveled way,  
553 unless a department transportation facility is the only cause  
554 for the activity not being visible.

555 (e) Activities conducted more than 660 feet from the  
556 nearest edge of the right-of-way.

557 (f) Activities conducted in a building principally used as  
558 a residence.

559 (g) Railroad tracks and minor sidings, unless the tracks  
560 and sidings are abutted by a commercial or industrial property  
561 that meets the criteria in subsection (2).

562 (h) Communication towers.

563 (i) Public parks, public recreation services, and  
564 governmental uses and activities that take place in a structure  
565 that serves as the permanent public meeting place for local,  
566 state, or federal boards, commissions, or courts.

567 (5) If the local government has indicated that the  
568 proposed sign location is on a parcel that is in a commercial or  
569 industrial zone but the department finds that it is not, the  
570 department shall notify the sign applicant in writing of its  
571 determination.

572 (6) An applicant whose application for a permit is denied

573 may request, within 30 days after the receipt of the  
 574 notification of intent to deny, an administrative hearing  
 575 pursuant to chapter 120 for a determination of whether the  
 576 parcel is located in a commercial or industrial zone. Upon  
 577 receipt of such request, the department shall notify the local  
 578 government that the applicant has requested an administrative  
 579 hearing pursuant to chapter 120.

580 (7) If the department determines in a final order that the  
 581 parcel does not meet the permitting conditions in this section  
 582 and a sign exists on the parcel, the applicant shall remove the  
 583 sign within 30 days after the date of the order. The applicant  
 584 is responsible for all sign removal costs.

585 (8) If the Federal Highway Administration reduces funds  
 586 that would otherwise be apportioned to the department due to a  
 587 local government's failure to comply with this section, the  
 588 department shall reduce transportation funding apportioned to  
 589 the local government by an equivalent amount.

590 Section 6. Section 479.03, Florida Statutes, is amended to  
 591 read:

592 479.03 Jurisdiction of the Department of Transportation;  
 593 entry upon privately owned lands.—The territory under the  
 594 jurisdiction of the department for the purpose of this chapter  
 595 includes ~~shall include~~ all the state. Employees, agents, or  
 596 independent contractors working for the department, in the  
 597 performance of their functions and duties under the provisions  
 598 of this chapter, may enter into and upon any land upon which a

599 sign is displayed, is proposed to be erected, or is being  
 600 erected and make such inspections, surveys, and removals as may  
 601 be relevant. Upon written notice to ~~After receiving consent by~~  
 602 the landowner, operator, or person in charge of an intervening  
 603 privately owned land that ~~or appropriate inspection warrant~~  
 604 ~~issued by a judge of any county court or circuit court of this~~  
 605 ~~state which has jurisdiction of the place or thing to be~~  
 606 ~~removed,~~ that the removal of an illegal outdoor advertising sign  
 607 is necessary and has been authorized by a final order or results  
 608 from an uncontested notice to the sign owner, the department may  
 609 ~~shall be authorized to~~ enter upon any intervening privately  
 610 owned lands for the purposes of effectuating removal of illegal  
 611 signs., ~~provided that~~ The department may enter intervening  
 612 privately owned lands ~~shall only do so~~ in circumstances where it  
 613 has determined that ~~no~~ other legal or economically feasible  
 614 means of entry to the sign site are not reasonably available.  
 615 Except as otherwise provided by this chapter, the department is  
 616 ~~shall be~~ responsible for the repair or replacement in a like  
 617 manner for any physical damage or destruction of private  
 618 property, other than the sign, incidental to the department's  
 619 entry upon such intervening privately owned lands.

620 Section 7. Section 479.04, Florida Statutes, is amended to  
 621 read:

622 479.04 Business of outdoor advertising; license  
 623 requirement; renewal; fees.-

624 (1) A ~~No~~ person may not ~~shall~~ engage in the business of



625 outdoor advertising in this state without first obtaining a  
 626 license ~~therefor~~ from the department. Such license shall be  
 627 renewed annually. The fee for such license, and for each annual  
 628 renewal, is \$300. License renewal fees are ~~shall be~~ payable as  
 629 provided for in s. 479.07.

630 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the  
 631 license provided for in this section solely to erect or  
 632 construct outdoor advertising signs or structures ~~as an~~  
 633 ~~incidental part of a building construction contract.~~

634 Section 8. Section 479.05, Florida Statutes, is amended to  
 635 read:

636 479.05 Denial, suspension, or revocation of license.—The  
 637 department may ~~has authority to~~ deny, suspend, or revoke a any  
 638 license requested or granted under this chapter in any case in  
 639 which it determines that the application for the license  
 640 contains ~~knowingly~~ false or misleading information of material  
 641 consequence, that the licensee has failed to pay fees or costs  
 642 owed to the department for outdoor advertising purposes, or that  
 643 the licensee has violated any of the provisions of this chapter,  
 644 unless such licensee, within 30 days after the receipt of notice  
 645 by the department, corrects such false or misleading  
 646 information, pays the outstanding amounts, or complies with ~~the~~  
 647 provisions of this chapter. Suspension of a license allows the  
 648 licensee to maintain existing sign permits, but the department  
 649 may not grant a transfer of an existing permit or issue an  
 650 additional permit to a licensee with a suspended license. A ~~Any~~

651 person aggrieved by an ~~any~~ action of the department which  
 652 denies, suspends, or revokes ~~in denying or revoking~~ a license  
 653 under this chapter may, within 30 days after ~~from~~ the receipt of  
 654 the notice, apply to the department for an administrative  
 655 hearing pursuant to chapter 120.

656 Section 9. Section 479.07, Florida Statutes, is amended to  
 657 read:

658 479.07 Sign permits.—

659 (1) Except as provided in ss. 479.105(1) ~~(e)~~ and 479.16, a  
 660 person may not erect, operate, use, or maintain, or cause to be  
 661 erected, operated, used, or maintained, any sign on the State  
 662 Highway System outside an urban area, ~~as defined in s.~~

663 ~~334.03(31),~~ or on any portion of the interstate or federal-aid  
 664 primary highway system without first obtaining a permit for the  
 665 sign from the department and paying the annual fee as provided  
 666 in this section. As used in this section, the term "on any  
 667 portion of the State Highway System, interstate highway system,  
 668 or federal-aid primary system" means a sign located within the  
 669 controlled area which is visible from any portion of the main-  
 670 traveled way of such system.

671 (2) ~~A person may not apply for a permit unless he or she~~  
 672 ~~has first obtained the~~ Written permission of the owner or other  
 673 person in lawful possession or control of the site designated as  
 674 the location of the sign is required for issuance of a ~~in the~~  
 675 ~~application for the permit.~~

676 (3) (a) An application for a sign permit must be made on a

677 form prescribed by the department, and a separate application  
678 must be submitted for each permit requested. A permit is  
679 required for each sign facing.

680 (b) As part of the application, the applicant or his or  
681 her authorized representative must certify ~~in a notarized signed~~  
682 ~~statement~~ that all information provided in the application is  
683 true and correct ~~and that, pursuant to subsection (2), he or she~~  
684 ~~has obtained the written permission of the owner or other person~~  
685 ~~in lawful possession of the site designated as the location of~~  
686 ~~the sign in the permit application.~~ Each Every permit  
687 application must be accompanied by the appropriate permit fee; a  
688 signed statement by the owner or other person in lawful control  
689 of the site on which the sign is located or will be erected,  
690 authorizing the placement of the sign on that site; ~~and, where~~  
691 ~~local governmental regulation of signs exists,~~ a statement from  
692 the appropriate local governmental official indicating that the  
693 sign complies with all local government ~~governmental~~  
694 requirements; and, if a local government permit is required for  
695 a sign, a statement that the agency or unit of local government  
696 will issue a permit to that applicant upon approval of the state  
697 permit application by the department.

698 (c) The annual permit fee for each sign facing shall be  
699 established by the department by rule in an amount sufficient to  
700 offset the total cost to the department for the program, but may  
701 ~~shall not be greater than~~ exceed \$100. The ~~A fee may not be~~  
702 ~~prorated for a period less than the remainder of the permit year~~

703 ~~to accommodate short-term publicity features; however, a first-~~  
704 year fee may be prorated by payment of an amount equal to one-  
705 fourth of the annual fee for each remaining whole quarter or  
706 partial quarter of the permit year. Applications received after  
707 the end of the third quarter of the permit year must include  
708 fees for the last quarter of the current year and fees for the  
709 succeeding year.

710 (4) An application for a permit shall be acted on by  
711 granting, denying, or returning the incomplete application ~~the~~  
712 ~~department~~ within 30 days after receipt of the application by  
713 the department.

714 (5) (a) For each permit issued, the department shall  
715 furnish to the applicant a serially numbered permanent metal  
716 permit tag. The permittee is responsible for maintaining a valid  
717 permit tag on each permitted sign facing at all times. The tag  
718 shall be securely attached to the upper 50 percent of the sign  
719 structure, and ~~sign facing or, if there is no facing, on the~~  
720 ~~pole nearest the highway; and it shall be attached in such a~~  
721 manner as to be plainly visible from the main-traveled way.  
722 ~~Effective July 1, 2012, the tag must be securely attached to the~~  
723 ~~upper 50 percent of the pole nearest the highway and must be~~  
724 ~~attached in such a manner as to be plainly visible from the~~  
725 ~~main-traveled way. The permit becomes void unless the permit tag~~  
726 must be ~~is~~ properly and permanently displayed at the permitted  
727 site within 30 days after the date of permit issuance. If the  
728 permittee fails to erect a completed sign on the permitted site

729 within 270 days after the date on which the permit was issued,  
730 the permit will be void, and the department may not issue a new  
731 permit to that permittee for the same location for 270 days  
732 after the date on which the permit becomes ~~became~~ void.

733 (b) If a permit tag is lost, stolen, or destroyed, the  
734 permittee to whom the tag was issued must apply to the  
735 department for a replacement tag. The department shall adopt a  
736 rule establishing a service fee for replacement tags in an  
737 amount that will recover the actual cost of providing the  
738 replacement tag. Upon receipt of the application accompanied by  
739 the service fee, the department shall issue a replacement permit  
740 tag. ~~Alternatively, the permittee may provide its own~~  
741 ~~replacement tag pursuant to department specifications that the~~  
742 ~~department shall adopt by rule at the time it establishes the~~  
743 ~~service fee for replacement tags.~~

744 (6) A permit is valid only for the location specified in  
745 the permit. Valid permits may be transferred from one sign owner  
746 to another upon written acknowledgment from the current  
747 permittee and submittal of a transfer fee of \$5 for each permit  
748 to be transferred. However, the maximum transfer fee for any  
749 multiple transfer between two outdoor advertisers in a single  
750 transaction is \$1,000 ~~\$100~~.

751 (7) A permittee shall at all times maintain the permission  
752 of the owner or other person in lawful control of the sign site  
753 in order to have and maintain a sign at such site.

754 (8) (a) In order to reduce peak workloads, the department

755 may adopt rules providing for staggered expiration dates for  
756 licenses and permits. Unless otherwise provided for by rule, all  
757 licenses and permits expire annually on January 15. All license  
758 and permit renewal fees are required to be submitted to the  
759 department by no later than the expiration date. At least 105  
760 days before ~~prior to~~ the expiration date of licenses and  
761 permits, the department shall send to each permittee a notice of  
762 fees due for all licenses and permits that ~~which~~ were issued to  
763 him or her before ~~prior to~~ the date of the notice. Such notice  
764 must ~~shall~~ list the permits and the permit fees due for each  
765 sign facing. The permittee shall, no later than 45 days before  
766 ~~prior to~~ the expiration date, advise the department of any  
767 additions, deletions, or errors contained in the notice. Permit  
768 tags that ~~which~~ are not renewed shall be returned to the  
769 department for cancellation by the expiration date. Permits that  
770 ~~which~~ are not renewed or are canceled shall be certified in  
771 writing at that time as canceled or not renewed by the  
772 permittee, and permit tags for such permits shall be returned to  
773 the department or shall be accounted for by the permittee in  
774 writing, which writing shall be submitted with the renewal fee  
775 payment or the cancellation certification. However, failure of a  
776 permittee to submit a permit cancellation does ~~shall~~ not affect  
777 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
778 permit, the permittee shall provide written notice to all  
779 persons or entities having a right to advertise on the sign that  
780 the permittee intends to cancel the permit.

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781 (b) If a permittee has not submitted his or her fee  
782 payment by the expiration date of the licenses or permits, the  
783 department shall send a notice of violation to the permittee  
784 within 45 days after the expiration date, requiring the payment  
785 of the permit fee within 30 days after the date of the notice  
786 and payment of a delinquency fee equal to 10 percent of the  
787 original amount due or, in the alternative to these payments,  
788 requiring the filing of a request for an administrative hearing  
789 to show cause why the ~~his or her~~ sign should not be subject to  
790 immediate removal due to expiration of his or her license or  
791 permit. If the permittee submits payment as required by the  
792 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be  
793 automatically reinstated and such reinstatement is ~~will be~~  
794 retroactive to the original expiration date. If the permittee  
795 does not respond to the notice of violation within the 30-day  
796 period, the department shall, within 30 days, issue a final  
797 notice of sign removal and may, following 90 days after the date  
798 of the department's final notice of sign removal, remove the  
799 sign without incurring any liability as a result of such  
800 removal. However, if at any time before removal of the sign, the  
801 permittee demonstrates that a good faith error on the part of  
802 the permittee resulted in cancellation or nonrenewal of the  
803 permit, the department may reinstate the permit if:

804 1. The permit reinstatement fee of ~~up to~~ \$300 ~~based on the~~  
805 ~~size of the sign~~ is paid;

806 2. All other permit renewal and delinquent permit fees due

807 as of the reinstatement date are paid; and

808 3. The permittee reimburses the department for all actual  
809 costs resulting from the permit cancellation or nonrenewal.

810 (c) Conflicting applications filed by other persons for  
811 the same or competing sites covered by a permit subject to  
812 paragraph (b) may not be approved until after the sign subject  
813 to the expired permit has been removed.

814 (d) The cost for removing a sign, ~~whether~~ by the  
815 department or an independent contractor, shall be assessed by  
816 the department against the permittee.

817 (9) (a) A permit may ~~shall~~ not be granted for any sign for  
818 which a permit had not been granted by the effective date of  
819 this act unless such sign is located at least:

820 1. One thousand five hundred feet from any other permitted  
821 sign on the same side of the highway, if on an interstate  
822 highway.

823 2. One thousand feet from any other permitted sign on the  
824 same side of the highway, if on a federal-aid primary highway.

825

826 The minimum spacing provided in this paragraph does not preclude  
827 the permitting of V-type, back-to-back, side-to-side, stacked,  
828 or double-faced signs at the permitted sign site. If a sign is  
829 visible to more than one highway subject to the jurisdiction of  
830 the department and within the controlled area of the highways  
831 ~~from the controlled area of more than one highway subject to the~~  
832 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the



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833 permitting requirements of all highways, and, ~~if the sign meets~~  
834 ~~the applicable permitting requirements~~, be permitted to, the  
835 highway having the more stringent permitting requirements.

836 (b) A permit may ~~shall~~ not be granted for a sign pursuant  
837 to this chapter to locate such sign on any portion of the  
838 interstate or federal-aid primary highway system, which sign:

839 1. Exceeds 50 feet in sign structure height above the  
840 crown of the main-traveled way to which the sign is permitted,  
841 if outside an incorporated area;

842 2. Exceeds 65 feet in sign structure height above the  
843 crown of the main-traveled way to which the sign is permitted,  
844 if inside an incorporated area; or

845 3. Exceeds 950 square feet of sign facing including all  
846 embellishments.

847 (c) Notwithstanding subparagraph (a)1., ~~there is~~  
848 ~~established a pilot program in Orange, Hillsborough, and Osceola~~  
849 ~~Counties, and within the boundaries of the City of Miami, under~~  
850 ~~which~~ the distance between permitted signs on the same side of  
851 an interstate highway may be reduced to 1,000 feet if all other  
852 requirements of this chapter are met and if:

853 1. The local government has adopted a plan, program,  
854 resolution, ordinance, or other policy encouraging the voluntary  
855 removal of signs in a downtown, historic, redevelopment, infill,  
856 or other designated area which also provides for a new or  
857 replacement sign to be erected on an interstate highway within  
858 that jurisdiction if a sign in the designated area is removed;

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859 2. The sign owner and the local government mutually agree  
860 to the terms of the removal and replacement; and

861 3. The local government notifies the department of its  
862 intention to allow such removal and replacement as agreed upon  
863 pursuant to subparagraph 2.

864 ~~4. The new or replacement sign to be erected on an~~  
865 ~~interstate highway within that jurisdiction is to be located on~~  
866 ~~a parcel of land specifically designated for commercial or~~  
867 ~~industrial use under both the future land use map of the~~  
868 ~~comprehensive plan and the land use development regulations~~  
869 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
870 ~~subject to an evaluation in accordance with the criteria set~~  
871 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
872 ~~considered an unzoned commercial or industrial area.~~

873  
874 ~~The department shall maintain statistics tracking the use of the~~  
875 ~~provisions of this pilot program based on the notifications~~  
876 ~~received by the department from local governments under this~~  
877 ~~paragraph.~~

878 (d) This subsection does not cause a sign that was  
879 conforming on October 1, 1984, to become nonconforming.

880 (10) Commercial or industrial zoning that ~~which~~ is not  
881 comprehensively enacted or that ~~which~~ is enacted primarily to  
882 permit signs may ~~shall~~ not be recognized as commercial or  
883 industrial zoning for purposes of this provision, and permits  
884 may ~~shall~~ not be issued for signs in such areas. The department

885 shall adopt rules that ~~within 180 days after this act takes~~  
886 ~~effect which shall~~ provide criteria to determine whether such  
887 zoning is comprehensively enacted or enacted primarily to permit  
888 signs.

889 Section 10. Section 479.08, Florida Statutes, is amended  
890 to read:

891 479.08 Denial or revocation of permit.—The department may  
892 deny or revoke a ~~any~~ permit requested or granted under this  
893 chapter in any case in which it determines that the application  
894 for the permit contains ~~knowingly~~ false or misleading  
895 information of material consequence. The department may revoke a  
896 ~~any~~ permit granted under this chapter in any case in which the  
897 permittee has violated ~~any of the provisions of~~ this chapter,  
898 unless such permittee, within 30 days after the receipt of  
899 notice by the department, complies with ~~the provisions of~~ this  
900 chapter. For the purpose of this section, the notice of  
901 violation issued by the department must describe in detail the  
902 alleged violation. A ~~Any~~ person aggrieved by any action of the  
903 department in denying or revoking a permit under this chapter  
904 may, within 30 days after receipt of the notice, apply to the  
905 department for an administrative hearing pursuant to chapter  
906 120. If a timely request for hearing has been filed and the  
907 department issues a final order revoking a permit, such  
908 revocation shall be effective 30 days after the date of  
909 rendition. Except for department action pursuant to s.  
910 479.107(1), the filing of a timely and proper notice of appeal

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911 shall operate to stay the revocation until the department's  
912 action is upheld.

913 Section 11. Section 479.10, Florida Statutes, is amended  
914 to read:

915 479.10 Sign removal following permit revocation or  
916 cancellation.—A sign shall be removed by the permittee within 30  
917 days after the date of revocation or cancellation of the permit  
918 for the sign. If the permittee fails to remove the sign within  
919 the 30-day period, the department shall remove the sign at the  
920 permittee's expense with or without further notice and without  
921 incurring any liability as a result of such removal.

922 Section 12. Section 479.105, Florida Statutes, is amended  
923 to read:

924 479.105 Signs erected or maintained without required  
925 permit; removal.—

926 (1) A ~~Any~~ sign that ~~which~~ is located adjacent to the  
927 right-of-way of any highway on the State Highway System outside  
928 an incorporated area or adjacent to the right-of-way on any  
929 portion of the interstate or federal-aid primary highway system,  
930 which sign was erected, operated, or maintained without the  
931 permit required by s. 479.07(1) having been issued by the  
932 department, is declared to be a public nuisance and a private  
933 nuisance and shall be removed as provided in this section.

934 (a) Upon a determination by the department that a sign is  
935 in violation of s. 479.07(1), the department shall prominently  
936 post on the sign, or as close to the sign as possible for a

937 location in which the sign is not easily accessible, face a  
938 notice stating that the sign is illegal and must be removed  
939 within 30 days after the date on which the notice was posted.  
940 ~~However, if the sign bears the name of the licensee or the name~~  
941 ~~and address of the nonlicensed sign owner,~~ The department shall,  
942 concurrently with and in addition to posting the notice on the  
943 sign, provide a written notice to the owner of the sign, the  
944 advertiser displayed on the sign, or the owner of the property,  
945 stating that the sign is illegal and must be permanently removed  
946 within the 30-day period specified on the posted notice. The  
947 written notice shall further state that ~~the sign owner has a~~  
948 ~~right to request~~ a hearing may be requested and that the, ~~which~~  
949 request must be filed with the department within 30 days after  
950 receipt ~~the date~~ of the written notice. However, the filing of a  
951 request for a hearing will not stay the removal of the sign.

952 (b) If, pursuant to the notice provided, the sign is not  
953 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
954 on the sign, or the owner of the property within the prescribed  
955 period, the department shall immediately remove the sign without  
956 further notice; and, for that purpose, the employees, agents, or  
957 independent contractors of the department may enter upon private  
958 property without incurring any liability for so entering.

959 (c) However, the department may issue a permit for a sign,  
960 as a conforming or nonconforming sign, if the sign owner  
961 demonstrates to the department one of the following:

962 1. If the sign meets the current requirements of this

963 chapter for a sign permit, the sign owner may submit the  
964 required application package and receive a permit as a  
965 conforming sign, upon payment of all applicable fees.

966 2. If the sign does not meet the current requirements of  
967 this chapter for a sign permit and has never been exempt from  
968 the requirement that a permit be obtained, the sign owner may  
969 receive a permit as a nonconforming sign if the department  
970 determines that the sign is not located on state right-of-way  
971 and is not a safety hazard, and if the sign owner pays a penalty  
972 fee of \$300 and all pertinent fees required by this chapter,  
973 including annual permit renewal fees payable since the date of  
974 the erection of the sign, and attaches to the permit application  
975 package documentation that demonstrates that:

976 a. The sign has been unpermitted, structurally unchanged,  
977 and continuously maintained at the same location for 7 years or  
978 more;

979 b. During the initial 7 years in which the sign has been  
980 subject to the jurisdiction of the department, the sign would  
981 have met the criteria established in this chapter which were in  
982 effect at that time for issuance of a permit; and

983 c. The department has not initiated a notice of violation  
984 or taken other action to remove the sign during the initial 7-  
985 year period in which the sign has been subject to the  
986 jurisdiction of the department.

987 (d) This subsection does not cause a neighboring sign that  
988 is permitted and that is within the spacing requirements under

989 s. 479.07(9)(a) to become nonconforming.

990 (e)~~(e)~~ For purposes of this subsection, a notice to the  
 991 sign owner, when required, constitutes sufficient notice.~~;~~.~~and~~  
 992 Notice is not required to be provided to the lessee, advertiser,  
 993 or the owner of the real property on which the sign is located.

994 (f)~~(d)~~ If, after a hearing, it is determined that a sign  
 995 has been wrongfully or erroneously removed pursuant to this  
 996 subsection, the department, at the sign owner's discretion,  
 997 shall either pay just compensation to the owner of the sign or  
 998 reerect the sign in kind at the expense of the department.

999 ~~(e) However, if the sign owner demonstrates to the~~  
 1000 ~~department that:~~

1001 ~~1. The sign has been unpermitted, structurally unchanged,~~  
 1002 ~~and continuously maintained at the same location for a period of~~  
 1003 ~~7 years or more;~~

1004 ~~2. At any time during the period in which the sign has~~  
 1005 ~~been erected, the sign would have met the criteria established~~  
 1006 ~~in this chapter for issuance of a permit;~~

1007 ~~3. The department has not initiated a notice of violation~~  
 1008 ~~or taken other action to remove the sign during the initial 7-~~  
 1009 ~~year period described in subparagraph 1.; and~~

1010 ~~4. The department determines that the sign is not located~~  
 1011 ~~on state right of way and is not a safety hazard,~~

1012  
 1013 ~~the sign may be considered a conforming or nonconforming sign~~  
 1014 ~~and may be issued a permit by the department upon application in~~

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1015 ~~accordance with this chapter and payment of a penalty fee of~~  
1016 ~~\$300 and all pertinent fees required by this chapter, including~~  
1017 ~~annual permit renewal fees payable since the date of the~~  
1018 ~~erection of the sign.~~

1019 (2) (a) If a sign is under construction and the department  
1020 determines that a permit has not been issued for the sign as  
1021 required under ~~the provisions of~~ this chapter, the department  
1022 may ~~is authorized to~~ require that all work on the sign cease  
1023 until the sign owner shows that the sign does not violate ~~the~~  
1024 ~~provisions of~~ this chapter. The order to cease work shall be  
1025 prominently posted on the sign structure, and ~~no~~ further notice  
1026 is not required ~~to be given~~. The failure of a sign owner or her  
1027 or his agents to immediately comply with the order subjects  
1028 ~~shall subject~~ the sign to prompt removal by the department.

1029 (b) For the purposes of this subsection only, a sign is  
1030 under construction when it is in any phase of initial  
1031 construction before ~~prior to~~ the attachment and display of the  
1032 advertising message in final position for viewing by the  
1033 traveling public. A sign that is undergoing routine maintenance  
1034 or change of the advertising message only is not considered to  
1035 be under construction for the purposes of this subsection.

1036 (3) The cost of removing a sign, ~~whether~~ by the department  
1037 or an independent contractor, shall be assessed against the  
1038 owner of the sign by the department.

1039 Section 13. Subsections (5) and (7) of section 479.106,  
1040 Florida Statutes, are amended to read:



1041 479.106 Vegetation management.—

1042 (5) The department may only grant a permit pursuant to s.

1043 479.07 for a new sign that ~~which~~ requires the removal, cutting,

1044 or trimming of existing trees or vegetation on public right-of-

1045 way for the sign face to be visible from the highway the sign

1046 will be permitted to when the sign owner has removed at least

1047 two nonconforming signs of approximate comparable size and

1048 surrendered the permits for the nonconforming signs to the

1049 department for cancellation. For signs originally permitted

1050 after July 1, 1996, the first application, or application for a

1051 change of view zone, no permit for the removal, cutting, or

1052 trimming of trees or vegetation along the highway the sign is

1053 permitted to shall require the removal of two nonconforming

1054 signs, in addition to mitigation or contribution to a plan of

1055 mitigation. The department may not grant a permit for the

1056 removal, cutting, or trimming of trees for a sign permitted

1057 after July 1, 1996, if the ~~shall be granted where such trees are~~

1058 or the vegetation is ~~are~~ part of a beautification project

1059 implemented before ~~prior to~~ the date of the original sign permit

1060 application and if, ~~when~~ the beautification project is

1061 specifically identified in the department's construction plans,

1062 permitted landscape projects, or agreements.

1063 (7) Any person engaging in removal, cutting, or trimming

1064 of trees or vegetation in violation of this section or

1065 benefiting from such actions shall be subject to an

1066 administrative penalty of up to \$1,000 per sign facing and

1067 required to mitigate for the unauthorized removal, cutting, or  
 1068 trimming in such manner and in such amount as may be required  
 1069 under the rules of the department.

1070 Section 14. Subsection (5) of section 479.107, Florida  
 1071 Statutes, is amended to read:

1072 479.107 Signs on highway rights-of-way; removal.—

1073 (5) The cost of removing a sign, ~~whether~~ by the department  
 1074 or an independent contractor, shall be assessed by the  
 1075 department against the owner of the sign. ~~Furthermore, the~~  
 1076 ~~department shall assess a fine of \$75 against the sign owner for~~  
 1077 ~~any sign which violates the requirements of this section.~~

1078 Section 15. Section 479.111, Florida Statutes, is amended  
 1079 to read:

1080 479.111 Specified signs allowed within controlled portions  
 1081 of the interstate and federal-aid primary highway system.—Only  
 1082 the following signs shall be allowed within controlled portions  
 1083 of the interstate highway system and the federal-aid primary  
 1084 highway system as set forth in s. 479.11(1) and (2):

1085 (1) Directional or other official signs and notices that  
 1086 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1087 (2) Signs in commercial-zoned and industrial-zoned areas  
 1088 or commercial-unzoned and industrial-unzoned areas and within  
 1089 660 feet of the nearest edge of the right-of-way, subject to the  
 1090 requirements set forth in the 1972 agreement between the state  
 1091 and the United States Department of Transportation.

1092 (3) Signs for which permits are not required under s.

1093 479.16.  
 1094 Section 16. Section 479.15, Florida Statutes, is amended  
 1095 to read:

1096 479.15 Harmony of regulations.—

1097 (1) A ~~No~~ zoning board or commission or other public  
 1098 officer or agency may not ~~shall~~ issue a permit to erect a any  
 1099 sign that ~~which~~ is prohibited under ~~the provisions of~~ this  
 1100 chapter or the rules of the department, and ~~nor shall~~ the  
 1101 department may not issue a permit for a any sign that ~~which~~ is  
 1102 prohibited by any other public board, officer, or agency in the  
 1103 lawful exercise of its powers.

1104 (2) A municipality, county, local zoning authority, or  
 1105 other local governmental entity may not remove, or cause to be  
 1106 removed, a any lawfully erected sign along any portion of the  
 1107 interstate or federal-aid primary highway system without first  
 1108 paying just compensation for such removal. A local governmental  
 1109 entity may not cause in any way the alteration of a any lawfully  
 1110 erected sign located along any portion of the interstate or  
 1111 federal-aid primary highway system without payment of just  
 1112 compensation if such alteration constitutes a taking under state  
 1113 law. The municipality, county, local zoning authority, or other  
 1114 local governmental ~~government~~ entity that adopts requirements  
 1115 for such alteration shall pay just compensation to the sign  
 1116 owner if such alteration constitutes a taking under state law.  
 1117 This subsection applies only to a lawfully erected sign the  
 1118 subject matter of which relates to premises other than the

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1119 premises on which it is located or to merchandise, services,  
1120 activities, or entertainment not sold, produced, manufactured,  
1121 or furnished on the premises on which the sign is located. ~~As~~  
1122 ~~used in this subsection, the term "federal-aid primary highway~~  
1123 ~~system" means the federal-aid primary highway system in~~  
1124 ~~existence on June 1, 1991, and any highway that was not a part~~  
1125 ~~of such system as of that date but that is or becomes after June~~  
1126 ~~1, 1991, a part of the National Highway System. This subsection~~  
1127 ~~may shall~~ not be interpreted as explicit or implicit legislative  
1128 recognition that alterations do or do not constitute a taking  
1129 under state law.

1130 (3) It is the express intent of the Legislature to limit  
1131 the state right-of-way acquisition costs on state and federal  
1132 roads in eminent domain proceedings, ~~the provisions of ss.~~  
1133 479.07 and 479.155 notwithstanding. Subject to approval by the  
1134 Federal Highway Administration, if ~~whenever~~ public acquisition  
1135 of land upon which is situated a lawful permitted ~~nonconforming~~  
1136 sign occurs, as provided in this chapter, the sign may, at the  
1137 election of its owner and the department, be relocated or  
1138 reconstructed adjacent to the new right-of-way and in close  
1139 proximity to the current site if ~~along the roadway within 100~~  
1140 ~~feet of the current location, provided the nonconforming sign is~~  
1141 ~~not relocated~~ in an area inconsistent with s. 479.024. ~~on a~~  
1142 ~~parcel zoned residential, and provided further that Such~~  
1143 relocation is shall be subject to the applicable setback  
1144 requirements in the 1972 agreement between the state and the

1145 United States Department of Transportation. The sign owner shall  
 1146 pay all costs associated with relocating or reconstructing a ~~any~~  
 1147 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any  
 1148 local government may not ~~shall~~ reimburse the sign owner for such  
 1149 costs, unless part of such relocation costs is ~~are~~ required by  
 1150 federal law. If ~~no~~ adjacent property is not available for the  
 1151 relocation, the department is ~~shall be~~ responsible for paying  
 1152 the owner of the sign just compensation for its removal.

1153 (4) For a nonconforming sign, ~~Such relocation shall be~~  
 1154 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~  
 1155 not be increased in size or height or structurally modified at  
 1156 the point of relocation in a manner inconsistent with the  
 1157 current building codes of the jurisdiction in which the sign is  
 1158 located.

1159 (5) If ~~In the event that~~ relocation can be accomplished  
 1160 but is inconsistent with the ordinances of the municipality or  
 1161 county within whose jurisdiction the sign is located, the  
 1162 ordinances of the local government shall prevail if, ~~provided~~  
 1163 ~~that~~ the local government assumes ~~shall assume~~ the  
 1164 responsibility to provide the owner of the sign just  
 1165 compensation for its removal, ~~but in no event shall~~  
 1166 Compensation paid by the local government may not be greater  
 1167 than ~~exceed~~ the compensation required under state or federal  
 1168 law. ~~Further, the provisions of~~ This section does ~~shall~~ not  
 1169 impair any agreement or future agreements between a municipality  
 1170 or county and the owner of a sign or signs within the

1171 jurisdiction of the municipality or county. ~~Nothing in this~~  
 1172 ~~section shall be deemed to cause a nonconforming sign to become~~  
 1173 ~~conforming solely as a result of the relocation allowed in this~~  
 1174 ~~section.~~

1175 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do of  
 1176 ~~this section shall~~ not apply within the jurisdiction of a any  
 1177 municipality that ~~which~~ is engaged in ~~any~~ litigation concerning  
 1178 its sign ordinance on April 23, 1999, and the subsections do not  
 1179 ~~nor shall such provisions~~ apply to a any municipality whose  
 1180 boundaries are identical to the county within which the said  
 1181 municipality is located.

1182 (7) This section does not cause a neighboring sign that is  
 1183 already permitted and that is within the spacing requirements  
 1184 established in s. 479.07(9)(a) to become nonconforming.

1185 Section 17. Section 479.156, Florida Statutes, is amended  
 1186 to read:

1187 479.156 Wall murals.—Notwithstanding any other provision  
 1188 of this chapter, a municipality or county may permit and  
 1189 regulate wall murals within areas designated by such government.  
 1190 If a municipality or county permits wall murals, a wall mural  
 1191 that displays a commercial message and is within 660 feet of the  
 1192 nearest edge of the right-of-way within an area adjacent to the  
 1193 interstate highway system or the federal-aid primary highway  
 1194 system shall be located only in an area that is zoned for  
 1195 industrial or commercial use pursuant to s. 479.024. ~~and~~ The  
 1196 municipality or county shall establish and enforce rules

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1197 ~~regulations~~ for such areas which ~~that~~, at a minimum, set forth  
 1198 criteria governing the size, lighting, and spacing of wall  
 1199 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~  
 1200 ~~Highway Beautification Act of 1965~~ and with customary use. If  
 1201 ~~Whenever~~ a municipality or county exercises such control and  
 1202 makes a determination of customary use pursuant to 23 U.S.C. s.  
 1203 131(d), such determination shall be accepted in lieu of controls  
 1204 in the agreement between the state and the United States  
 1205 Department of Transportation, and the department shall notify  
 1206 the Federal Highway Administration pursuant to the agreement, 23  
 1207 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that  
 1208 is subject to municipal or county regulation and 23 U.S.C. s.  
 1209 131 ~~the Highway Beautification Act of 1965~~ must be approved by  
 1210 the Department of Transportation and the Federal Highway  
 1211 Administration when required by federal law and federal  
 1212 regulation under the agreement between the state and the United  
 1213 States Department of Transportation and federal regulations  
 1214 enforced by the Department of Transportation under s. 479.02(1).  
 1215 The existence of a wall mural as defined in s. 479.01~~(30)~~ must  
 1216 ~~shall~~ not be considered in determining whether a sign as defined  
 1217 in s. 479.01~~(20)~~, ~~either~~ existing or new, is in compliance with  
 1218 s. 479.07(9) (a).

1219 Section 18. Section 479.16, Florida Statutes, is amended  
 1220 to read:

1221 479.16 Signs for which permits are not required.—The  
 1222 following signs are exempt from the requirement that a permit

1223 for a sign be obtained under ~~the provisions of~~ this chapter but  
 1224 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),  
 1225 and the provisions of subsections (15)-(19) may not be  
 1226 implemented or continued if the Federal Government notifies the  
 1227 department that implementation or continuation will adversely  
 1228 affect the allocation of federal funds to the department:

1229 (1) Signs erected on the premises of an establishment,  
 1230 which ~~signs~~ consist primarily of the name of the establishment  
 1231 or ~~which~~ identify the principal or accessory merchandise,  
 1232 services, activities, or entertainment sold, produced,  
 1233 manufactured, or furnished on the premises of the establishment  
 1234 and which comply with the lighting restrictions imposed under  
 1235 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned  
 1236 by a municipality or a county located on the premises of such  
 1237 municipality or ~~such~~ county which display information regarding  
 1238 governmental ~~government~~ services, activities, events, or  
 1239 entertainment. For purposes of this section, the following types  
 1240 of messages are ~~shall not be~~ considered information regarding  
 1241 governmental ~~government~~ services, activities, events, or  
 1242 entertainment:

1243 (a) Messages that ~~which~~ specifically reference any  
 1244 commercial enterprise.

1245 (b) Messages that ~~which~~ reference a commercial sponsor of  
 1246 any event.

1247 (c) Personal messages.

1248 (d) Political campaign messages.



1249  
 1250 If a sign located on the premises of an establishment consists  
 1251 principally of brand name or trade name advertising and the  
 1252 merchandise or service is only incidental to the principal  
 1253 activity, or if the owner of the establishment receives rental  
 1254 income from the sign, ~~then~~ the sign is not exempt under this  
 1255 subsection.

1256 (2) Signs erected, used, or maintained on a farm by the  
 1257 owner or lessee of such farm and relating solely to farm  
 1258 produce, merchandise, service, or entertainment sold, produced,  
 1259 manufactured, or furnished on such farm.

1260 (3) Signs posted or displayed on real property by the  
 1261 owner or by the authority of the owner, stating that the real  
 1262 property is for sale or rent. However, if the sign contains any  
 1263 message not pertaining to the sale or rental of the ~~that~~ real  
 1264 property, ~~then~~ it is not exempt under this section.

1265 (4) Official notices or advertisements posted or displayed  
 1266 on private property by or under the direction of any public or  
 1267 court officer in the performance of her or his official or  
 1268 directed duties, or by trustees under deeds of trust or deeds of  
 1269 assignment or other similar instruments.

1270 (5) Danger or precautionary signs relating to the premises  
 1271 on which they are located; forest fire warning signs erected  
 1272 under the authority of the Florida Forest Service of the  
 1273 Department of Agriculture and Consumer Services; and signs,  
 1274 notices, or symbols erected by the United States Government

1275 under the direction of the United States Forest ~~Forestry~~  
 1276 Service.

1277 (6) Notices of any railroad, bridge, ferry, or other  
 1278 transportation or transmission company necessary for the  
 1279 direction or safety of the public.

1280 (7) Signs, notices, or symbols for the information of  
 1281 aviators as to location, directions, and landings and conditions  
 1282 affecting safety in aviation erected or authorized by the  
 1283 department.

1284 (8) Signs or notices measuring up to 8 square feet in area  
 1285 which are erected or maintained upon property and which state  
 1286 ~~stating~~ only the name of the owner, lessee, or occupant of the  
 1287 premises ~~and not exceeding 8 square feet in area.~~

1288 (9) Historical markers erected by ~~duly constituted and~~  
 1289 authorized public authorities.

1290 (10) Official traffic control signs and markers erected,  
 1291 caused to be erected, or approved by the department.

1292 (11) Signs erected upon property warning the public  
 1293 against hunting and fishing or trespassing ~~thereon.~~

1294 (12) Signs ~~not in excess~~ of up to 8 square feet which ~~that~~  
 1295 are owned by and relate to the facilities and activities of  
 1296 churches, civic organizations, fraternal organizations,  
 1297 charitable organizations, or units or agencies of government.

1298 (13) ~~Except that~~ Signs placed on benches, transit  
 1299 shelters, modular news racks, street light poles, public pay  
 1300 telephones, and waste receptacles, within the right-of-way, as

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1301 provided for in s. 337.408 are exempt from ~~all provisions of~~  
1302 this chapter.

1303 (14) Signs relating exclusively to political campaigns.

1304 (15) Signs measuring up to ~~not in excess of~~ 16 square feet  
1305 placed at a road junction with the State Highway System denoting  
1306 only the distance or direction of a residence or farm operation,  
1307 or, outside an incorporated ~~in a rural~~ area where a hardship is  
1308 created because a small business is not visible from the road  
1309 junction with the State Highway System, one sign measuring up to  
1310 ~~not in excess of~~ 16 square feet, denoting only the name of the  
1311 business and the distance and direction to the business. ~~The~~  
1312 ~~small-business-sign provision of this subsection does not apply~~  
1313 ~~to charter counties and may not be implemented if the Federal~~  
1314 ~~Government notifies the department that implementation will~~  
1315 ~~adversely affect the allocation of federal funds to the~~  
1316 ~~department.~~

1317 (16) Signs placed by a local tourist-oriented business  
1318 located within a rural area of critical economic concern as  
1319 defined in s. 288.0656(2) which are:

1320 (a) Not more than 8 square feet in size or more than 4  
1321 feet in height;

1322 (b) Located only in rural areas on a facility that does  
1323 not meet the definition of a limited access facility, as defined  
1324 in s. 334.03;

1325 (c) Located within 2 miles of the business location and at  
1326 least 500 feet apart;

1327 (d) Located only in two directions leading to the  
 1328 business; and

1329 (e) Not located within the road right-of-way.

1330  
 1331 A business placing such signs must be at least 4 miles from any  
 1332 other business using this exemption and may not participate in  
 1333 any other directional signage program by the department.

1334 (17) Signs measuring up to 32 square feet denoting only  
 1335 the distance or direction of a farm operation which are erected  
 1336 at a road junction with the State Highway System, but only  
 1337 during the harvest season of the farm operation for up to 4  
 1338 months.

1339 (18) Acknowledgment signs erected upon publicly funded  
 1340 school premises which relate to a specific public school club,  
 1341 team, or event and which are placed at least 1,000 feet from any  
 1342 other acknowledgment sign on the same side of the roadway. The  
 1343 sponsor information on an acknowledgment sign may constitute no  
 1344 more than 100 square feet of the sign. As used in this  
 1345 subsection, the term "acknowledgment sign" means a sign that is  
 1346 intended to inform the traveling public that a public school  
 1347 club, team, or event has been sponsored by a person, firm, or  
 1348 other entity.

1349 (19) Displays erected upon a sports facility, the content  
 1350 of which is directly related to the facility's activities or to  
 1351 the facility's products or services. Displays must be mounted  
 1352 flush to the surface of the sports facility and must rely upon

1353 the building facade for structural support. As used in this  
 1354 subsection, the term "sports facility" means an athletic  
 1355 complex, athletic arena, or athletic stadium, including  
 1356 physically connected parking facilities, which is open to the  
 1357 public and has a seating capacity of 15,000 or more permanently  
 1358 installed seats.

1359  
 1360 If the exemptions in subsections (15)-(19) are not implemented  
 1361 or continued due to notification from the Federal Government  
 1362 that the allocation of federal funds to the department will be  
 1363 adversely impacted, the department shall provide notice to the  
 1364 sign owner that the sign must be removed within 30 days after  
 1365 receipt of the notice. If the sign is not removed within 30 days  
 1366 after receipt of the notice by the sign owner, the department  
 1367 may remove the sign, and the costs incurred in connection with  
 1368 the sign removal shall be assessed against and collected from  
 1369 the sign owner.

1370 Section 19. Section 479.24, Florida Statutes, is amended  
 1371 to read:

1372 479.24 Compensation for ~~removal~~ of signs; eminent domain;  
 1373 exceptions.—

1374 (1) Just compensation shall be paid by the department  
 1375 upon the department's acquisition ~~removal~~ of a lawful conforming  
 1376 or nonconforming sign along any portion of the interstate or  
 1377 federal-aid primary highway system. This section does not apply  
 1378 to a sign that ~~which~~ is illegal at the time of its removal. A

1379 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~  
 1380 illegal at such time as it fails to be permitted or maintained  
 1381 in accordance with all applicable laws, rules, ordinances, or  
 1382 regulations other than the provision that ~~which~~ makes it  
 1383 nonconforming. A legal nonconforming sign under state law or  
 1384 rule does ~~will~~ not lose its nonconforming status solely because  
 1385 it additionally becomes nonconforming under an ordinance or  
 1386 regulation of a local governmental entity passed at a later  
 1387 date. The department shall make every reasonable effort to  
 1388 negotiate the purchase of the signs to avoid litigation and  
 1389 congestion in the courts.

1390 (2) The department is not required to remove any sign  
 1391 under this section if the federal share of the just compensation  
 1392 to be paid upon removal of the sign is not available to make  
 1393 such payment, unless an appropriation by the Legislature for  
 1394 such purpose is made to the department.

1395 (3) (a) The department may ~~is authorized to~~ use the power  
 1396 of eminent domain when necessary to carry out ~~the provisions of~~  
 1397 this chapter.

1398 (b) If eminent domain procedures are instituted, just  
 1399 compensation shall be made pursuant to the state's eminent  
 1400 domain procedures, chapters 73 and 74.

1401 Section 20. Section 479.25, Florida Statutes, is amended  
 1402 to read:

1403 479.25 Erection of noise-attenuation barrier blocking view  
 1404 of sign; procedures; application.-

1405 (1) The owner of a lawfully erected sign that is governed  
 1406 by and conforms to state and federal requirements for land use,  
 1407 size, height, and spacing may increase the height above ground  
 1408 level of such sign at its permitted location if a noise-  
 1409 attenuation barrier is permitted by or erected by any  
 1410 governmental entity in such a way as to screen or block  
 1411 visibility of the sign. Any increase in height permitted under  
 1412 this section may only be the increase in height which is  
 1413 required to achieve the same degree of visibility from the  
 1414 right-of-way which the sign had before ~~prior to~~ the construction  
 1415 of the noise-attenuation barrier, notwithstanding the  
 1416 restrictions contained in s. 479.07(9)(b). A sign reconstructed  
 1417 under this section must ~~shall~~ comply with the building standards  
 1418 and wind load requirements provided ~~set forth~~ in the Florida  
 1419 Building Code. If construction of a proposed noise-attenuation  
 1420 barrier will screen a sign lawfully permitted under this  
 1421 chapter, the department shall provide notice to the local  
 1422 government or local jurisdiction within which the sign is  
 1423 located before construction ~~prior to erection of the noise-~~  
 1424 ~~attenuation barrier~~. Upon a determination that an increase in  
 1425 the height of a sign as permitted under this section will  
 1426 violate ~~a provision contained in~~ an ordinance or a land  
 1427 development regulation of the local government or local  
 1428 jurisdiction, the local government or local jurisdiction shall,  
 1429 before construction ~~so notify the department~~. ~~When notice has~~  
 1430 ~~been received from the local government or local jurisdiction~~

1431 ~~prior to erection of the noise-attenuation barrier, the~~  
 1432 ~~department shall:~~

1433 (a) Provide a variance or waiver to the local ordinance or  
 1434 land development regulations to ~~Conduct a written survey of all~~  
 1435 ~~property owners identified as impacted by highway noise and who~~  
 1436 ~~may benefit from the proposed noise-attenuation barrier. The~~  
 1437 ~~written survey shall inform the property owners of the location,~~  
 1438 ~~date, and time of the public hearing described in paragraph (b)~~  
 1439 ~~and shall specifically advise the impacted property owners that:~~

1440 ~~1. Erection of the noise-attenuation barrier may block the~~  
 1441 ~~visibility of an existing outdoor advertising sign;~~

1442 ~~2. The local government or local jurisdiction may restrict~~  
 1443 ~~or prohibit increasing the height of the existing outdoor~~  
 1444 ~~advertising sign to make it visible over the barrier; and~~

1445 ~~3. If a majority of the impacted property owners vote for~~  
 1446 ~~construction of the noise-attenuation barrier, the local~~  
 1447 ~~government or local jurisdiction will be required to:~~

1448 ~~a. allow an increase in the height of the sign in~~  
 1449 ~~violation of a local ordinance or land development regulation;~~

1450 ~~(b)~~ b. Allow the sign to be relocated or reconstructed at  
 1451 another location if the sign owner agrees; or

1452 ~~(c)~~ e. Pay the fair market value of the sign and its  
 1453 associated interest in the real property.

1454 ~~(2)~~ (b) The department shall hold a public hearing within  
 1455 the boundaries of the affected local governments or local  
 1456 jurisdictions to receive input on the proposed noise-attenuation



1457 barrier and its conflict with the local ordinance or land  
 1458 development regulation and to suggest or consider alternatives  
 1459 or modifications ~~to the proposed noise attenuation barrier~~ to  
 1460 alleviate or minimize the conflict with the local ordinance or  
 1461 land development regulation or minimize any costs that may be  
 1462 associated with relocating, reconstructing, or paying for the  
 1463 affected sign. The public hearing may be held concurrently with  
 1464 other public hearings scheduled for the project. The department  
 1465 shall provide a written notification to the local government or  
 1466 local jurisdiction of the date and time of the public hearing  
 1467 and shall provide general notice of the public hearing in  
 1468 accordance with the notice provisions of s. 335.02(1). The  
 1469 notice may ~~shall~~ not be placed in that portion of a newspaper in  
 1470 which legal notices or classified advertisements appear. The  
 1471 notice must ~~shall~~ specifically state that:

1472 (a)1- Erection of the proposed noise-attenuation barrier  
 1473 may block the visibility of an existing outdoor advertising  
 1474 sign;

1475 (b)2- The local government or local jurisdiction may  
 1476 restrict or prohibit increasing the height of the existing  
 1477 outdoor advertising sign ~~to make it visible over the barrier;~~  
 1478 and

1479 (c)3- Upon ~~If a majority of the impacted property owners~~  
 1480 ~~vote for~~ construction of the noise-attenuation barrier, the  
 1481 local government or local jurisdiction shall ~~will be required~~  
 1482 ~~to:~~

1483            1.a. Allow an increase in the height of the sign through a  
 1484 waiver or variance to in violation of a local ordinance or land  
 1485 development regulation;

1486            2.b. Allow the sign to be relocated or reconstructed at  
 1487 another location if the sign owner agrees; or

1488            3.e. Pay the fair market value of the sign and its  
 1489 associated interest in the real property.

1490            (3)(2) The department may ~~shall~~ not permit erection of the  
 1491 noise-attenuation barrier to the extent the barrier screens or  
 1492 blocks visibility of the sign until after the public hearing is  
 1493 held ~~and until such time as the survey has been conducted and a~~  
 1494 ~~majority of the impacted property owners have indicated approval~~  
 1495 ~~to erect the noise-attenuation barrier. When the impacted~~  
 1496 ~~property owners approve of the noise-attenuation barrier~~  
 1497 ~~construction, the department shall notify the local governments~~  
 1498 ~~or local jurisdictions. The local government or local~~  
 1499 ~~jurisdiction shall, notwithstanding the provisions of a~~  
 1500 ~~conflicting ordinance or land development regulation:~~

1501            ~~(a) Issue a permit by variance or otherwise for the~~  
 1502 ~~reconstruction of a sign under this section;~~

1503            ~~(b) Allow the relocation of a sign, or construction of~~  
 1504 ~~another sign, at an alternative location that is permissible~~  
 1505 ~~under the provisions of this chapter, if the sign owner agrees~~  
 1506 ~~to relocate the sign or construct another sign; or~~

1507            ~~(c) Refuse to issue the required permits for~~  
 1508 ~~reconstruction of a sign under this section and pay fair market~~

1509 ~~value of the sign and its associated interest in the real~~  
 1510 ~~property to the owner of the sign.~~

1511 (4)~~(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~  
 1512 ~~of~~ any existing written agreement executed before July 1, 2006,  
 1513 between any local government and the owner of an outdoor  
 1514 advertising sign.

1515 Section 21. Subsection (1) of section 479.261, Florida  
 1516 Statutes, is amended to read:

1517 479.261 Logo sign program.—

1518 (1) The department shall establish a logo sign program  
 1519 for the rights-of-way of the limited access interstate highway  
 1520 system to provide information to motorists about available gas,  
 1521 food, lodging, camping, attractions, and other services, as  
 1522 approved by the Federal Highway Administration, at interchanges  
 1523 through the use of business logos and may include additional  
 1524 interchanges under the program.

1525 (a) As used in this chapter, the term "attraction" means  
 1526 an establishment, site, facility, or landmark that is open a  
 1527 minimum of 5 days a week for 52 weeks a year; that has as its  
 1528 principal focus family-oriented entertainment, cultural,  
 1529 educational, recreational, scientific, or historical activities;  
 1530 and that is publicly recognized as a bona fide tourist  
 1531 attraction.

1532 (b) The department shall incorporate the use of RV-  
 1533 friendly markers on specific information logo signs for  
 1534 establishments that cater to the needs of persons driving

1535 recreational vehicles. Establishments that qualify for  
 1536 participation in the specific information logo program and that  
 1537 also qualify as "RV-friendly" may request the RV-friendly marker  
 1538 on their specific information logo sign. An RV-friendly marker  
 1539 must consist of a design approved by the Federal Highway  
 1540 Administration. The department shall adopt rules ~~in accordance~~  
 1541 ~~with chapter 120~~ to administer this paragraph. Such rules must  
 1542 establish minimum requirements for parking spaces, entrances and  
 1543 exits, and overhead clearance which must be met by, including  
 1544 ~~rules setting forth the minimum requirements that establishments~~  
 1545 ~~that wish must meet in order to qualify as RV-friendly. These~~  
 1546 ~~requirements shall include large parking spaces, entrances, and~~  
 1547 ~~exits that can easily accommodate recreational vehicles and~~  
 1548 ~~facilities having appropriate overhead clearances, if~~  
 1549 ~~applicable.~~

1550 Section 22. Subsection (1) of section 479.262, Florida  
 1551 Statutes, is amended to read:

1552 479.262 Tourist-oriented directional sign program.—

1553 (1) A tourist-oriented directional sign program to provide  
 1554 directions to rural tourist-oriented businesses, services, and  
 1555 activities may be established at intersections on rural and  
 1556 conventional state, county, or municipal roads only ~~in rural~~  
 1557 ~~counties identified by criteria and population in s. 288.0656~~  
 1558 when approved and permitted by county or local governmental  
 1559 ~~government~~ entities within their respective jurisdictional areas  
 1560 ~~at intersections on rural and conventional state, county, or~~

1561 ~~municipal roads~~. A county or local government that ~~which~~ issues  
 1562 permits for a tourist-oriented directional sign program is ~~shall~~  
 1563 ~~be~~ responsible for sign construction, maintenance, and program  
 1564 operation in compliance with subsection (3) for roads on the  
 1565 state highway system and may establish permit fees sufficient to  
 1566 offset associated costs. A tourist-oriented directional sign may  
 1567 not be used on roads in urban areas or at interchanges on  
 1568 freeways or expressways.

1569 Section 23. Section 479.313, Florida Statutes, is amended  
 1570 to read:

1571 479.313 Permit revocation and cancellation; cost of  
 1572 removal.—All costs incurred by the department in connection with  
 1573 the removal of a sign located within a controlled area adjacent  
 1574 to the State Highway System, interstate highway system, or  
 1575 federal-aid primary highway system following the revocation or  
 1576 cancellation of the permit for such sign shall be assessed  
 1577 against and collected from the permittee.

1578 Section 24. Section 76 of chapter 2012-174, Laws of  
 1579 Florida, is repealed.

1580 Section 25. This act shall take effect July 1, 2014.