

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 revising provisions relating to public service warning  
12 signs; amending s. 479.01, F.S., relating to outdoor  
13 advertising signs; revising and deleting definitions;  
14 amending s. 479.02, F.S.; revising duties of the  
15 Department of Transportation relating to signs;  
16 deleting a requirement that the department adopt  
17 certain rules; creating s. 479.024, F.S.; limiting the  
18 placement of signs to commercial or industrial zones;  
19 defining the terms "parcel" and "utilities"; requiring  
20 a local government to use specified criteria to  
21 determine zoning for commercial or industrial parcels;  
22 providing that certain parcels are considered unzoned  
23 commercial or industrial areas; authorizing a permit  
24 for a sign in an unzoned commercial or industrial area  
25 in certain circumstances; prohibiting specified uses  
26 and activities from being independently recognized as

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 commercial or industrial; providing an appeal process  
28 for an applicant whose permit is denied; requiring an  
29 applicant whose application is denied to remove an  
30 existing sign pertaining to the application; requiring  
31 the department to reduce certain transportation  
32 funding in certain circumstances; amending s. 479.03,  
33 F.S.; requiring notice to owners of intervening  
34 privately owned lands before the department enters  
35 upon such lands to remove an illegal sign; amending s.  
36 479.04, F.S.; providing that an outdoor advertising  
37 license is not required solely to erect or construct  
38 outdoor signs or structures; amending s. 479.05, F.S.;  
39 authorizing the department to suspend a license for  
40 certain offenses and specifying activities that the  
41 licensee may engage in during the suspension;  
42 prohibiting the department from granting a transfer of  
43 an existing permit or issuing an additional permit  
44 during the suspension; amending s. 479.07, F.S.;  
45 revising requirements for obtaining sign permits;  
46 conforming and clarifying provisions; revising permit  
47 tag placement requirements for signs; deleting a  
48 provision that allows a permittee to provide its own  
49 replacement tag; revising requirements for permitting  
50 certain signs visible to more than one highway;  
51 deleting provisions limiting a pilot program to  
52 specified locations; deleting redundant provisions

53 relating to certain new or replacement signs; deleting  
54 provisions requiring maintenance of statistics on the  
55 pilot program; amending s. 479.08, F.S.; revising  
56 provisions relating to the denial or revocation of a  
57 permit because of false or misleading information in  
58 the permit application; amending s. 479.10, F.S.;  
59 authorizing the cancellation of a permit; amending s.  
60 479.105, F.S.; revising notice requirements to owners  
61 and advertisers relating to signs erected or  
62 maintained without a permit; revising procedures for  
63 the department to issue a permit as a conforming or  
64 nonconforming sign to the owner of an unpermitted  
65 sign; providing a penalty; amending s. 479.106, F.S.;  
66 revising provisions relating to the removal, cutting,  
67 or trimming of trees or vegetation to increase sign  
68 face visibility; providing that a specified penalty is  
69 applied per sign facing; amending s. 479.107, F.S.;  
70 deleting a fine for specified violations; amending s.  
71 479.11, F.S.; prohibiting signs on specified portions  
72 of the interstate highway system; amending s. 479.111,  
73 F.S.; clarifying a reference to a certain agreement;  
74 amending s. 479.15, F.S.; deleting a definition;  
75 revising provisions relating to relocation of certain  
76 signs on property subject to public acquisition;  
77 amending s. 479.156, F.S.; clarifying provisions  
78 relating to the regulation of wall murals; amending s.

79 479.16, F.S.; exempting certain signs from ch. 479,  
80 F.S.; exempting from permitting certain signs placed  
81 by tourist-oriented businesses, certain farm signs  
82 placed during harvest seasons, certain acknowledgment  
83 signs on publicly funded school premises, and certain  
84 displays on specific sports facilities; prohibiting  
85 certain permit exemptions from being implemented or  
86 continued if the implementations or continuations will  
87 adversely impact the allocation of federal funds to  
88 the Department of Transportation; directing the  
89 department to notify a sign owner that the sign must  
90 be removed if federal funds are adversely impacted;  
91 authorizing the department to remove the sign and  
92 assess costs to the sign owner under certain  
93 circumstances; amending s. 479.24, F.S.; clarifying  
94 provisions relating to compensation paid for the  
95 department's acquisition of lawful signs; amending s.  
96 479.25, F.S.; revising provisions relating to local  
97 government action with respect to erection of noise-  
98 attenuation barriers that block views of lawfully  
99 erected signs; deleting provisions to conform to  
100 changes made by the act; amending s. 479.261, F.S.;  
101 expanding the logo program to the limited access  
102 highway system; conforming provisions related to a  
103 logo sign program on the limited access highway  
104 system; amending s. 479.262, F.S.; clarifying

105 provisions relating to the tourist-oriented  
 106 directional sign program; limiting the placement of  
 107 such signs to intersections on certain rural roads;  
 108 prohibiting such signs in urban areas or at  
 109 interchanges on freeways or expressways; amending s.  
 110 479.313, F.S.; requiring a permittee to pay the cost  
 111 of removing certain signs following the cancellation  
 112 of the permit for the sign; establishing a pilot  
 113 program for the School District of Palm Beach County  
 114 authorizing signage on certain school district  
 115 property to recognize the names of the school  
 116 district's business partners; providing for expiration  
 117 of the program; repealing s. 76 of chapter 2012-174,  
 118 Laws of Florida, relating to authorizing the  
 119 department to seek Federal Highway Administration  
 120 approval of a tourist-oriented commerce sign pilot  
 121 program and directing the department to submit the  
 122 approved pilot program for legislative approval;  
 123 providing an effective date.

124  
 125 Be It Enacted by the Legislature of the State of Florida:

126  
 127 Section 1. Section 339.041, Florida Statutes, is created  
 128 to read:

129 339.041 Factoring of revenues from leases for wireless  
 130 communication facilities.-

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

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

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

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

146       (2) For the purposes of factoring future revenues under  
147 this section, department property includes real property located  
148 within the department's limited access rights-of-way, real  
149 property located outside the current operating right-of-way  
150 limits which is not needed to support current transportation  
151 facilities, other property owned by the Board of Trustees of the  
152 Internal Improvement Trust Fund and leased by the department,  
153 space on department telecommunications facilities, and space on  
154 department structures.

155       (3) The department may seek investors willing to enter  
156 into agreements to purchase the revenue stream from one or more

157 existing department leases for wireless communication facilities  
158 on property owned or controlled by the department.

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

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

182 (6) Subject to annual appropriation, investors shall

183 collect the lease payments on a schedule and in a manner  
184 established in the agreements entered into by the department and  
185 investors pursuant to this section. The agreements may provide  
186 for lease payments to be made directly to investors by lessees  
187 if the lease agreements entered into by the department and the  
188 lessees pursuant to s. 365.172(12)(f) allow direct payment.

189 (7) Proceeds received by the department from leases for  
190 wireless communication facilities shall be deposited in the  
191 State Transportation Trust Fund created under s. 206.46 and used  
192 for fixed capital expenditures for the statewide transportation  
193 system.

194 Section 2. Section 373.618, Florida Statutes, is amended  
195 to read:

196 373.618 Public service warnings, alerts, and  
197 announcements.—The Legislature believes it is in the public  
198 interest that all water management districts created pursuant to  
199 s. 373.069 own, acquire, develop, construct, operate, and manage  
200 public information systems. Public information systems may be  
201 located on property owned by the water management district, upon  
202 terms and conditions approved by the water management district,  
203 and must display messages to the general public concerning water  
204 management services, activities, events, and sponsors, as well  
205 as other public service announcements, including watering  
206 restrictions, severe weather reports, amber alerts, and other  
207 essential information needed by the public. Local government  
208 review or approval is not required for a public information



209 system owned or hereafter acquired, developed, or constructed by  
 210 the water management district on its own property. A public  
 211 information system is subject to ~~exempt from~~ the requirements of  
 212 the Highway Beautification Act of 1965 and all federal laws and  
 213 agreements, when applicable ~~chapter 479~~. Water management  
 214 district funds may not be used to pay the cost to acquire,  
 215 develop, construct, operate, or manage a public information  
 216 system. Any necessary funds for a public information system  
 217 shall be paid for and collected from private sponsors who may  
 218 display commercial messages.

219 Section 3. Section 479.01, Florida Statutes, is amended to  
 220 read:

221 479.01 Definitions.—As used in this chapter, the term:

222 (1) "Allowable uses" means the intended uses identified in  
 223 a local government's land development regulations which ~~these~~  
 224 ~~uses that~~ are authorized within a zoning category as a use by  
 225 right, without the requirement to obtain a variance or waiver.  
 226 The term includes conditional uses and those allowed by special  
 227 exception if such uses are a present and actual use, but does  
 228 not include uses that are accessory, ancillary, incidental to  
 229 the allowable uses, or allowed only on a temporary basis.

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

233 (3) "Business of outdoor advertising" means the business  
 234 of ~~constructing, erecting, operating, using,~~ maintaining,

235 leasing, or selling outdoor advertising structures, outdoor  
236 advertising signs, or outdoor advertisements.

237 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
238 ~~designated for commercial or industrial uses under both the~~  
239 ~~future land use map of the comprehensive plan and the land use~~  
240 ~~development regulations adopted pursuant to chapter 163. If a~~  
241 ~~parcel is located in an area designated for multiple uses on the~~  
242 ~~future land use map of a comprehensive plan and the zoning~~  
243 ~~category of the land development regulations does not clearly~~  
244 ~~designate that parcel for a specific use, the area will be~~  
245 ~~considered an unzoned commercial or industrial area if it meets~~  
246 ~~the criteria of subsection (26).~~

247 (4)~~(5)~~ "Commercial use" means activities associated with  
248 the sale, rental, or distribution of products or the performance  
249 of services. The term includes, but is not limited to ~~without~~  
250 ~~limitation~~, such uses or activities as retail sales; wholesale  
251 sales; rentals of equipment, goods, or products; offices;  
252 restaurants; food service vendors; sports arenas; theaters; and  
253 tourist attractions.

254 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
255 nearest edge of the right-of-way of any portion of the State  
256 Highway System, interstate, or federal-aid primary highway  
257 system and beyond 660 feet of the nearest edge of the right-of-  
258 way of any portion of the State Highway System, interstate  
259 highway system, or federal-aid primary system outside an urban  
260 area.

261 (6)~~(7)~~ "Department" means the Department of  
 262 Transportation.

263 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,  
 264 place, affix, attach, create, paint, draw, or in any other way  
 265 bring into being or establish. The term, ~~but it~~ does not include  
 266 such any of the foregoing activities when performed as an  
 267 incident to the change of advertising message or customary  
 268 maintenance or repair of a sign.

269 (8)~~(9)~~ "Federal-aid primary highway system" means the  
 270 federal-aid primary highway system in existence on June 1, 1991,  
 271 and any highway that was not a part of such system as of that  
 272 date but that is, or became after June 1, 1991, a part of the  
 273 National Highway System, including portions that have been  
 274 accepted as part of the National Highway System but are unbuilt  
 275 or unopened existing, unbuilt, or unopened system of highways or  
 276 portions thereof, which shall include the National Highway  
 277 System, designated as the federal-aid primary highway system by  
 278 the department.

279 (9)~~(10)~~ "Highway" means any road, street, or other way  
 280 open or intended to be opened to the public for travel by motor  
 281 vehicles.

282 (10)~~(11)~~ "Industrial use" means activities associated with  
 283 the manufacture, assembly, processing, or storage of products or  
 284 the performance of related services ~~relating thereto~~. The term  
 285 includes, but is not limited to ~~without limitation~~, such uses or  
 286 activities as automobile manufacturing or repair, boat

287 manufacturing or repair, junk yards, meat packing facilities,  
288 citrus processing and packing facilities, produce processing and  
289 packing facilities, electrical generating plants, water  
290 treatment plants, sewage treatment plants, and solid waste  
291 disposal sites.

292 (11)~~(12)~~ "Interstate highway system" means the existing,  
293 unbuilt, or unopened system of highways or portions thereof  
294 designated as the national system of interstate and defense  
295 highways by the department.

296 (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
297 highway on which through traffic is carried. In the case of a  
298 divided highway, the traveled way of each of the separate  
299 roadways for traffic in opposite directions is a main-traveled  
300 way. The term ~~It~~ does not include such facilities as frontage  
301 roads, turning roadways which specifically include on-ramps or  
302 off-ramps to the interstate highway system, or parking areas.

303 (13)~~(14)~~ "Maintain" means to allow to exist.

304 (14)~~(15)~~ "Motorist services directional signs" means signs  
305 providing directional information about goods and services in  
306 the interest of the traveling public where such signs were  
307 lawfully erected and in existence on or before May 6, 1976, and  
308 continue to provide directional information to goods and  
309 services in a defined area.

310 (15)~~(16)~~ "New highway" means the construction of any road,  
311 paved or unpaved, where no road previously existed or the act of  
312 paving any previously unpaved road.

313            ~~(16)-(17)~~ "Nonconforming sign" means a sign which was  
 314 lawfully erected but which does not comply with the land use,  
 315 setback, size, spacing, and lighting provisions of state or  
 316 local law, rule, regulation, or ordinance passed at a later date  
 317 or a sign which was lawfully erected but which later fails to  
 318 comply with state or local law, rule, regulation, or ordinance  
 319 due to changed conditions.

320            ~~(17)-(18)~~ "Premises" means all the land areas under  
 321 ownership or lease arrangement to the sign owner which are  
 322 contiguous to the business conducted on the land except for  
 323 instances where such land is a narrow strip contiguous to the  
 324 advertised activity or is connected by such narrow strip, the  
 325 only viable use of such land is to erect or maintain an  
 326 advertising sign. If ~~When~~ the sign owner is a municipality or  
 327 county, the term means ~~"premises" shall mean~~ all lands owned or  
 328 leased by the ~~such~~ municipality or county within its  
 329 jurisdictional boundaries ~~as set forth by law~~.

330            ~~(18)-(19)~~ "Remove" means to disassemble all sign materials  
 331 above ground level and ~~transport~~ such materials from the site ~~and~~  
 332 ~~dispose of sign materials by sale or destruction~~.

333            ~~(19)-(20)~~ "Sign" means any combination of structure and  
 334 message in the form of an outdoor sign, display, device, figure,  
 335 painting, drawing, message, placard, poster, billboard,  
 336 advertising structure, advertisement, logo, symbol, or other  
 337 form, whether placed individually or on a V-type, back-to-back,  
 338 side-to-side, stacked, or double-faced display or automatic

339 changeable facing, designed, intended, or used to advertise or  
 340 inform, any part of the advertising message or informative  
 341 contents of which is visible from any place on the main-traveled  
 342 way. The term does not include an official traffic control sign,  
 343 official marker, or specific information panel erected, caused  
 344 to be erected, or approved by the department.

345 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from  
 346 which the message or informative contents are most visible to  
 347 oncoming traffic on the main-traveled way.

348 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,  
 349 including trim and background, which contains the message or  
 350 informative contents, including an automatic changeable face.

351 (22)~~(23)~~ "Sign facing" includes all sign faces and  
 352 automatic changeable faces displayed at the same location and  
 353 facing the same direction.

354 (23)~~(24)~~ "Sign structure" means all the interrelated parts  
 355 and material, such as beams, poles, and stringers, which are  
 356 constructed for the purpose of supporting or displaying a  
 357 message or informative contents.

358 (24)~~(25)~~ "State Highway System" has the same meaning as in  
 359 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~  
 360 ~~highways or portions thereof designated as the State Highway~~  
 361 ~~System by the department.~~

362 ~~(26) "Unzoned commercial or industrial area" means a~~  
 363 ~~parcel of land designated by the future land use map of the~~  
 364 ~~comprehensive plan for multiple uses that include commercial or~~

365 ~~industrial uses but are not specifically designated for~~  
366 ~~commercial or industrial uses under the land development~~  
367 ~~regulations, in which three or more separate and distinct~~  
368 ~~conforming industrial or commercial activities are located.~~

369 ~~(a) These activities must satisfy the following criteria:~~

370 ~~1. At least one of the commercial or industrial activities~~  
371 ~~must be located on the same side of the highway and within 800~~  
372 ~~feet of the sign location;~~

373 ~~2. The commercial or industrial activities must be within~~  
374 ~~660 feet from the nearest edge of the right-of-way; and~~

375 ~~3. The commercial industrial activities must be within~~  
376 ~~1,600 feet of each other.~~

377  
378 ~~Distances specified in this paragraph must be measured from the~~  
379 ~~nearest outer edge of the primary building or primary building~~  
380 ~~complex when the individual units of the complex are connected~~  
381 ~~by covered walkways.~~

382 ~~(b) Certain activities, including, but not limited to, the~~  
383 ~~following, may not be so recognized as commercial or industrial~~  
384 ~~activities:~~

385 ~~1. Signs.~~

386 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
387 ~~related activities, including, but not limited to, wayside fresh~~  
388 ~~produce stands.~~

389 ~~3. Transient or temporary activities.~~

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

391 ~~5. Activities conducted more than 660 feet from the~~  
 392 ~~nearest edge of the right-of-way.~~

393 ~~6. Activities conducted in a building principally used as~~  
 394 ~~a residence.~~

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

396 ~~8. Communication towers.~~

397 (25)~~(27)~~ "Urban area" has the same meaning as ~~defined~~ in  
 398 s. 334.03~~(31)~~.

399 (26)~~(28)~~ "Visible commercial or industrial activity" means  
 400 a commercial or industrial activity that is capable of being  
 401 seen without visual aid by a person of normal visual acuity from  
 402 the main-traveled way and that is generally recognizable as  
 403 commercial or industrial.

404 (27)~~(29)~~ "Visible sign" means that the advertising message  
 405 or informative contents of a sign, whether or not legible, can  
 406 be ~~is capable of being~~ seen without visual aid by a person of  
 407 normal visual acuity.

408 (28)~~(30)~~ "Wall mural" means a sign that is a painting or  
 409 an artistic work composed of photographs or arrangements of  
 410 color and that displays a commercial or noncommercial message,  
 411 relies solely on the side of the building for rigid structural  
 412 support, and is painted on the building or depicted on vinyl,  
 413 fabric, or other similarly flexible material that is held in  
 414 place flush or flat against the surface of the building. The  
 415 term excludes a painting or work placed on a structure that is  
 416 erected for the sole or primary purpose of signage.



417 (29)~~(31)~~ "Zoning category" means the designation under the  
 418 land development regulations or other similar ordinance enacted  
 419 to regulate the use of land as provided in s. 163.3202(2)(b),  
 420 which designation sets forth the allowable uses, restrictions,  
 421 and limitations on use applicable to properties within the  
 422 category.

423 Section 4. Section 479.02, Florida Statutes, is amended to  
 424 read:

425 479.02 Duties of the department.~~It shall be the duty of~~  
 426 The department shall ~~to~~:

427 (1) Administer and enforce ~~the provisions of this chapter,~~  
 428 ~~and the 1972~~ agreement between the state and the United States  
 429 Department of Transportation ~~relating to the size, lighting, and~~  
 430 ~~spacing of signs in accordance with Title I of the Highway~~  
 431 ~~Beautification Act of 1965 and Title 23 of the,~~ United States  
 432 Code, and federal regulations, including, but not limited to,  
 433 those pertaining to the maintenance, continuance, and removal of  
 434 nonconforming signs ~~in effect as of the effective date of this~~  
 435 ~~act.~~

436 (2) Regulate size, height, lighting, and spacing of signs  
 437 permitted on commercial and industrial parcels and in unzoned  
 438 commercial or industrial areas ~~in zoned and unzoned commercial~~  
 439 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
 440 highway system and the federal-aid primary highway system.

441 (3) Determine ~~unzoned~~ commercial and industrial parcels  
 442 and unzoned commercial or ~~areas and unzoned~~ industrial areas in

443 the manner provided in s. 479.024.

444 (4) Implement a specific information panel program on the  
 445 limited access interstate highway system to promote tourist-  
 446 oriented businesses by providing directional information safely  
 447 and aesthetically.

448 (5) Implement a rest area information panel or devices  
 449 program at rest areas along the interstate highway system and  
 450 the federal-aid primary highway system to promote tourist-  
 451 oriented businesses.

452 (6) Test and, if economically feasible, implement  
 453 alternative methods of providing information in the specific  
 454 interest of the traveling public which allow the traveling  
 455 public freedom of choice, conserve natural beauty, and present  
 456 information safely and aesthetically.

457 (7) Adopt such rules as the department ~~it~~ deems necessary  
 458 or proper for the administration of this chapter, including  
 459 rules that ~~which~~ identify activities that may not be recognized  
 460 as industrial or commercial activities for purposes of  
 461 determination of a an area as an unzoned commercial or  
 462 industrial parcel or an unzoned commercial or industrial area in  
 463 the manner provided in s. 479.024.

464 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the  
 465 location of all signs on the state highway system, interstate  
 466 highway system, and federal-aid primary highway system to be  
 467 used as systems. ~~Upon completion of the inventory, it shall~~  
 468 ~~become~~ the database and permit information for all permitted

469 ~~signs permitted at the time of completion, and the previous~~  
470 ~~records of the department shall be amended accordingly.~~ The  
471 inventory shall be updated at least ~~no less than~~ every 2 years.  
472 ~~The department shall adopt rules regarding what information is~~  
473 ~~to be collected and preserved to implement the purposes of this~~  
474 ~~chapter.~~ The department may perform the inventory using  
475 department staff, or may contract with a private firm to perform  
476 the work, whichever is more cost efficient. The department shall  
477 maintain a database of sign inventory information such as sign  
478 location, size, height, and structure type, the permittee's  
479 ~~permitholder's~~ name, and any other information the department  
480 finds necessary to administer the program.

481 Section 5. Section 479.024, Florida Statutes, is created  
482 to read:

483 479.024 Commercial and industrial parcels.—Signs shall be  
484 permitted by the department only in commercial or industrial  
485 zones, as determined by the local government, in compliance with  
486 chapter 163, unless otherwise provided in this chapter.

487 Commercial and industrial zones are those areas appropriate for  
488 commerce, industry, or trade, regardless of how those areas are  
489 labeled.

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

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

493 (b) "Utilities" includes all privately, publicly, or  
494 cooperatively owned lines, facilities, and systems for

495 producing, transmitting, or distributing communications, power,  
496 electricity, light, heat, gas, oil, crude products, water,  
497 steam, waste, and stormwater not connected with the highway  
498 drainage, and other similar commodities.

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

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

503 (b) The parcel can reasonably accommodate a commercial or  
504 industrial use under the future land use map of the  
505 comprehensive plan and land use development regulations, as  
506 follows:

507 1. Sufficient utilities are available to support  
508 commercial or industrial development; and

509 2. The size, configuration, and public access of the  
510 parcel are sufficient to accommodate a commercial or industrial  
511 use, given the requirements in the comprehensive plan and land  
512 development regulations for vehicular access, on-site  
513 circulation, building setbacks, buffering, parking, and other  
514 applicable standards or the parcel consists of railroad tracks  
515 or minor sidings abutting commercial or industrial property that  
516 meets the criteria of this subsection.

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

519 (3) If a local government has not designated zoning  
520 through land development regulations in compliance with chapter

521 163 but has designated the parcel under the future land use map  
522 of the comprehensive plan for uses that include commercial or  
523 industrial uses, the parcel shall be considered an unzoned  
524 commercial or industrial area. For a permit to be issued for a  
525 sign in an unzoned commercial or industrial area, there must be  
526 three or more distinct commercial or industrial activities  
527 within 1,600 feet of each other, with at least one of the  
528 commercial or industrial activities located on the same side of  
529 the highway as, and within 800 feet of, the sign location.  
530 Multiple commercial or industrial activities enclosed in one  
531 building shall be considered one use if all activities have only  
532 shared building entrances.

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

536 (a) Signs.

537 (b) Agricultural, forestry, ranching, grazing, farming,  
538 and related activities, including, but not limited to, wayside  
539 fresh produce stands.

540 (c) Transient or temporary activities.

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

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

546 (f) Activities conducted in a building principally used as

547 a residence.

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

551 (h) Communication towers.

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

556 (5) If the local government has indicated that the  
557 proposed sign location is on a parcel that is in a commercial or  
558 industrial zone but the department finds that it is not, the  
559 department shall notify the sign applicant in writing of its  
560 determination.

561 (6) An applicant whose application for a permit is denied  
562 may request, within 30 days after the receipt of the  
563 notification of intent to deny, an administrative hearing  
564 pursuant to chapter 120 for a determination of whether the  
565 parcel is located in a commercial or industrial zone. Upon  
566 receipt of such request, the department shall notify the local  
567 government that the applicant has requested an administrative  
568 hearing pursuant to chapter 120.

569 (7) If the department determines in a final order that the  
570 parcel does not meet the permitting conditions in this section  
571 and a sign exists on the parcel, the applicant shall remove the  
572 sign within 30 days after the date of the order. The applicant

573 is responsible for all sign removal costs.

574 (8) If the Federal Highway Administration reduces funds  
575 that would otherwise be apportioned to the department due to a  
576 local government's failure to comply with this section, the  
577 department shall reduce transportation funding apportioned to  
578 the local government by an equivalent amount.

579 Section 6. Section 479.03, Florida Statutes, is amended to  
580 read:

581 479.03 Jurisdiction of the Department of Transportation;  
582 entry upon privately owned lands.—The territory under the  
583 jurisdiction of the department for the purpose of this chapter  
584 includes ~~shall include~~ all the state. Employees, agents, or  
585 independent contractors working for the department, in the  
586 performance of their functions and duties under the provisions  
587 of this chapter, may enter into and upon any land upon which a  
588 sign is displayed, is proposed to be erected, or is being  
589 erected and make such inspections, surveys, and removals as may  
590 be relevant. Upon written notice to ~~After receiving consent by~~  
591 the landowner, operator, or person in charge of an intervening  
592 privately owned land that ~~or appropriate inspection warrant~~  
593 ~~issued by a judge of any county court or circuit court of this~~  
594 ~~state which has jurisdiction of the place or thing to be~~  
595 ~~removed, that~~ the removal of an illegal outdoor advertising sign  
596 is necessary and has been authorized by a final order or results  
597 from an uncontested notice to the sign owner, the department may  
598 ~~shall be authorized to~~ enter upon any intervening privately

599 owned lands for the purposes of effectuating removal of illegal  
 600 signs., ~~provided that~~ The department may enter intervening  
 601 privately owned lands ~~shall~~ only ~~do so~~ in circumstances where it  
 602 has determined that ~~no~~ other legal or economically feasible  
 603 means of entry to the sign site are not reasonably available.  
 604 Except as otherwise provided by this chapter, the department is  
 605 ~~shall be~~ responsible for the repair or replacement in a like  
 606 manner for any physical damage or destruction of private  
 607 property, other than the sign, incidental to the department's  
 608 entry upon such intervening privately owned lands.

609 Section 7. Section 479.04, Florida Statutes, is amended to  
 610 read:

611 479.04 Business of outdoor advertising; license  
 612 requirement; renewal; fees.—

613 (1) A ~~No~~ person may not ~~shall~~ engage in the business of  
 614 outdoor advertising in this state without first obtaining a  
 615 license ~~therefor~~ from the department. Such license shall be  
 616 renewed annually. The fee for such license, and for each annual  
 617 renewal, is \$300. License renewal fees are ~~shall be~~ payable as  
 618 provided for in s. 479.07.

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

623 Section 8. Section 479.05, Florida Statutes, is amended to  
 624 read:



625           479.05 Denial, suspension, or revocation of license.—The  
 626 department ~~may has authority to deny, suspend, or revoke a any~~  
 627 license requested or granted under this chapter in any case in  
 628 which it determines that the application for the license  
 629 contains ~~knowingly~~ false or misleading information of material  
 630 consequence, that the licensee has failed to pay fees or costs  
 631 owed to the department for outdoor advertising purposes, or that  
 632 the licensee has violated any of the provisions of this chapter,  
 633 unless such licensee, within 30 days after the receipt of notice  
 634 by the department, corrects such false or misleading  
 635 information, pays the outstanding amounts, or complies with ~~the~~  
 636 ~~provisions of~~ this chapter. Suspension of a license allows the  
 637 licensee to maintain existing sign permits, but the department  
 638 may not grant a transfer of an existing permit or issue an  
 639 additional permit to a licensee with a suspended license. A Any  
 640 person aggrieved by an any action of the department which  
 641 denies, suspends, or revokes ~~in denying or revoking~~ a license  
 642 under this chapter may, within 30 days after ~~from~~ the receipt of  
 643 the notice, apply to the department for an administrative  
 644 hearing pursuant to chapter 120.

645           Section 9. Section 479.07, Florida Statutes, is amended to  
 646 read:

647           479.07 Sign permits.—

648           (1) Except as provided in ss. 479.105(1) ~~(e)~~ and 479.16, a  
 649 person may not erect, operate, use, or maintain, or cause to be  
 650 erected, operated, used, or maintained, any sign on the State

651 Highway System outside an urban area, ~~as defined in s.~~  
652 ~~334.03(31),~~ or on any portion of the interstate or federal-aid  
653 primary highway system without first obtaining a permit for the  
654 sign from the department and paying the annual fee as provided  
655 in this section. As used in this section, the term "on any  
656 portion of the State Highway System, interstate highway system,  
657 or federal-aid primary system" means a sign located within the  
658 controlled area which is visible from any portion of the main-  
659 traveled way of such system.

660 (2) ~~A person may not apply for a permit unless he or she~~  
661 ~~has first obtained the~~ Written permission of the owner or other  
662 person in lawful possession or control of the site designated as  
663 the location of the sign is required for issuance of a ~~in the~~  
664 ~~application for the permit.~~

665 (3) (a) An application for a sign permit must be made on a  
666 form prescribed by the department, and a separate application  
667 must be submitted for each permit requested. A permit is  
668 required for each sign facing.

669 (b) As part of the application, the applicant or his or  
670 her authorized representative must certify ~~in a notarized signed~~  
671 ~~statement~~ that all information provided in the application is  
672 true and correct ~~and that, pursuant to subsection (2), he or she~~  
673 ~~has obtained the written permission of the owner or other person~~  
674 ~~in lawful possession of the site designated as the location of~~  
675 ~~the sign in the permit application.~~ Each Every permit  
676 application must be accompanied by the appropriate permit fee; a

677 signed statement by the owner or other person in lawful control  
678 of the site on which the sign is located or will be erected,  
679 authorizing the placement of the sign on that site; ~~and, where~~  
680 ~~local governmental regulation of signs exists,~~ a statement from  
681 the appropriate local governmental official indicating that the  
682 sign complies with all local government ~~governmental~~  
683 requirements; and, if a local government permit is required for  
684 a sign, a statement that the agency or unit of local government  
685 will issue a permit to that applicant upon approval of the state  
686 permit application by the department.

687 (c) The annual permit fee for each sign facing shall be  
688 established by the department by rule in an amount sufficient to  
689 offset the total cost to the department for the program, but may  
690 ~~shall not be greater than~~ exceed \$100. ~~The A fee may not be~~  
691 ~~prorated for a period less than the remainder of the permit year~~  
692 ~~to accommodate short-term publicity features; however, a first-~~  
693 year fee may be prorated by payment of an amount equal to one-  
694 fourth of the annual fee for each remaining whole quarter or  
695 partial quarter of the permit year. Applications received after  
696 the end of the third quarter of the permit year must include  
697 fees for the last quarter of the current year and fees for the  
698 succeeding year.

699 (4) An application for a permit shall be acted on by  
700 granting, denying, or returning the incomplete application ~~the~~  
701 ~~department~~ within 30 days after receipt of the application by  
702 the department.

703 (5) (a) For each permit issued, the department shall  
704 furnish to the applicant a serially numbered permanent metal  
705 permit tag. The permittee is responsible for maintaining a valid  
706 permit tag on each permitted sign facing at all times. The tag  
707 shall be securely attached to the upper 50 percent of the sign  
708 structure, and ~~sign facing or, if there is no facing, on the~~  
709 ~~pole nearest the highway; and it shall be~~ attached in such a  
710 manner as to be plainly visible from the main-traveled way.  
711 ~~Effective July 1, 2012, the tag must be securely attached to the~~  
712 ~~upper 50 percent of the pole nearest the highway and must be~~  
713 ~~attached in such a manner as to be plainly visible from the~~  
714 ~~main-traveled way.~~ The permit ~~becomes void unless the permit tag~~  
715 must be ~~is~~ properly and permanently displayed at the permitted  
716 site within 30 days after the date of permit issuance. If the  
717 permittee fails to erect a completed sign on the permitted site  
718 within 270 days after the date on which the permit was issued,  
719 the permit will be void, and the department may not issue a new  
720 permit to that permittee for the same location for 270 days  
721 after the date on which the permit becomes ~~became~~ void.

722 (b) If a permit tag is lost, stolen, or destroyed, the  
723 permittee to whom the tag was issued must apply to the  
724 department for a replacement tag. The department shall adopt a  
725 rule establishing a service fee for replacement tags in an  
726 amount that will recover the actual cost of providing the  
727 replacement tag. Upon receipt of the application accompanied by  
728 the service fee, the department shall issue a replacement permit

729 tag. ~~Alternatively, the permittee may provide its own~~  
730 ~~replacement tag pursuant to department specifications that the~~  
731 ~~department shall adopt by rule at the time it establishes the~~  
732 ~~service fee for replacement tags.~~

733 (6) A permit is valid only for the location specified in  
734 the permit. Valid permits may be transferred from one sign owner  
735 to another upon written acknowledgment from the current  
736 permittee and submittal of a transfer fee of \$5 for each permit  
737 to be transferred. However, the maximum transfer fee for any  
738 multiple transfer between two outdoor advertisers in a single  
739 transaction is \$100.

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

743 (8) (a) In order to reduce peak workloads, the department  
744 may adopt rules providing for staggered expiration dates for  
745 licenses and permits. Unless otherwise provided for by rule, all  
746 licenses and permits expire annually on January 15. All license  
747 and permit renewal fees are required to be submitted to the  
748 department by no later than the expiration date. At least 105  
749 days before ~~prior to~~ the expiration date of licenses and  
750 permits, the department shall send to each permittee a notice of  
751 fees due for all licenses and permits that ~~which~~ were issued to  
752 him or her before ~~prior to~~ the date of the notice. Such notice  
753 must ~~shall~~ list the permits and the permit fees due for each  
754 sign facing. The permittee shall, no later than 45 days before

755 ~~prior to~~ the expiration date, advise the department of any  
756 additions, deletions, or errors contained in the notice. Permit  
757 tags that ~~which~~ are not renewed shall be returned to the  
758 department for cancellation by the expiration date. Permits that  
759 ~~which~~ are not renewed or are canceled shall be certified in  
760 writing at that time as canceled or not renewed by the  
761 permittee, and permit tags for such permits shall be returned to  
762 the department or shall be accounted for by the permittee in  
763 writing, which writing shall be submitted with the renewal fee  
764 payment or the cancellation certification. However, failure of a  
765 permittee to submit a permit cancellation does ~~shall~~ not affect  
766 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
767 permit, the permittee shall provide written notice to all  
768 persons or entities having a right to advertise on the sign that  
769 the permittee intends to cancel the permit.

770 (b) If a permittee has not submitted his or her fee  
771 payment by the expiration date of the licenses or permits, the  
772 department shall send a notice of violation to the permittee  
773 within 45 days after the expiration date, requiring the payment  
774 of the permit fee within 30 days after the date of the notice  
775 and payment of a delinquency fee equal to 10 percent of the  
776 original amount due or, in the alternative to these payments,  
777 requiring the filing of a request for an administrative hearing  
778 to show cause why the ~~his or her~~ sign should not be subject to  
779 immediate removal due to expiration of his or her license or  
780 permit. If the permittee submits payment as required by the

781 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be  
782 automatically reinstated and such reinstatement is ~~will be~~  
783 retroactive to the original expiration date. If the permittee  
784 does not respond to the notice of violation within the 30-day  
785 period, the department shall, within 30 days, issue a final  
786 notice of sign removal and may, following 90 days after the date  
787 of the department's final notice of sign removal, remove the  
788 sign without incurring any liability as a result of such  
789 removal. However, if at any time before removal of the sign, the  
790 permittee demonstrates that a good faith error on the part of  
791 the permittee resulted in cancellation or nonrenewal of the  
792 permit, the department may reinstate the permit if:

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

795 2. All other permit renewal and delinquent permit fees due  
796 as of the reinstatement date are paid; and

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

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

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

806 (9) (a) A permit may ~~shall~~ not be granted for any sign for

807 which a permit had not been granted by the effective date of  
 808 this act unless such sign is located at least:

809 1. One thousand five hundred feet from any other permitted  
 810 sign on the same side of the highway, if on an interstate  
 811 highway.

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

814  
 815 The minimum spacing provided in this paragraph does not preclude  
 816 the permitting of V-type, back-to-back, side-to-side, stacked,  
 817 or double-faced signs at the permitted sign site. If a sign is  
 818 visible to more than one highway subject to the jurisdiction of  
 819 the department and within the controlled area of the highways  
 820 ~~from the controlled area of more than one highway subject to the~~  
 821 ~~jurisdiction of the department,~~ the sign must ~~shall~~ meet the  
 822 permitting requirements of all highways, and, ~~if the sign meets~~  
 823 ~~the applicable permitting requirements,~~ be permitted to, the  
 824 highway having the more stringent permitting requirements.

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

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

831 2. Exceeds 65 feet in sign structure height above the  
 832 crown of the main-traveled way to which the sign is permitted,



833 if inside an incorporated area; or

834 3. Exceeds 950 square feet of sign facing including all  
835 embellishments.

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

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

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

850 3. The local government notifies the department of its  
851 intention to allow such removal and replacement as agreed upon  
852 pursuant to subparagraph 2.

853 ~~4. The new or replacement sign to be erected on an~~  
854 ~~interstate highway within that jurisdiction is to be located on~~  
855 ~~a parcel of land specifically designated for commercial or~~  
856 ~~industrial use under both the future land use map of the~~  
857 ~~comprehensive plan and the land use development regulations~~  
858 ~~adopted pursuant to chapter 163, and such parcel shall not be~~

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859 ~~subject to an evaluation in accordance with the criteria set~~  
860 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
861 ~~considered an unzoned commercial or industrial area.~~

862  
863 ~~The department shall maintain statistics tracking the use of the~~  
864 ~~provisions of this pilot program based on the notifications~~  
865 ~~received by the department from local governments under this~~  
866 ~~paragraph.~~

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

869 (10) Commercial or industrial zoning that ~~which~~ is not  
870 comprehensively enacted or that ~~which~~ is enacted primarily to  
871 permit signs may ~~shall~~ not be recognized as commercial or  
872 industrial zoning for purposes of this provision, and permits  
873 may ~~shall~~ not be issued for signs in such areas. The department  
874 shall adopt rules that ~~within 180 days after this act takes~~  
875 ~~effect which shall~~ provide criteria to determine whether such  
876 zoning is comprehensively enacted or enacted primarily to permit  
877 signs.

878 Section 10. Section 479.08, Florida Statutes, is amended  
879 to read:

880 479.08 Denial or revocation of permit.—The department may  
881 deny or revoke a ~~any~~ permit requested or granted under this  
882 chapter in any case in which it determines that the application  
883 for the permit contains ~~knowingly~~ false or misleading  
884 information of material consequence. The department may revoke a

885 ~~any~~ permit granted under this chapter in any case in which the  
886 permittee has violated ~~any of the provisions of~~ this chapter,  
887 unless such permittee, within 30 days after the receipt of  
888 notice by the department, complies with ~~the provisions of~~ this  
889 chapter. For the purpose of this section, the notice of  
890 violation issued by the department must describe in detail the  
891 alleged violation. A ~~Any~~ person aggrieved by any action of the  
892 department in denying or revoking a permit under this chapter  
893 may, within 30 days after receipt of the notice, apply to the  
894 department for an administrative hearing pursuant to chapter  
895 120. If a timely request for hearing has been filed and the  
896 department issues a final order revoking a permit, such  
897 revocation shall be effective 30 days after the date of  
898 rendition. Except for department action pursuant to s.  
899 479.107(1), the filing of a timely and proper notice of appeal  
900 shall operate to stay the revocation until the department's  
901 action is upheld.

902 Section 11. Section 479.10, Florida Statutes, is amended  
903 to read:

904 479.10 Sign removal following permit revocation or  
905 cancellation.—A sign shall be removed by the permittee within 30  
906 days after the date of revocation or cancellation of the permit  
907 for the sign. If the permittee fails to remove the sign within  
908 the 30-day period, the department shall remove the sign at the  
909 permittee's expense with or without further notice and without  
910 incurring any liability as a result of such removal.

911 Section 12. Section 479.105, Florida Statutes, is amended  
 912 to read:

913 479.105 Signs erected or maintained without required  
 914 permit; removal.—

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

923 (a) Upon a determination by the department that a sign is  
 924 in violation of s. 479.07(1), the department shall prominently  
 925 post on the sign, or as close to the sign as possible for a  
 926 location in which the sign is not easily accessible, ~~face~~ a  
 927 notice stating that the sign is illegal and must be removed  
 928 within 30 days after the date on which the notice was posted.  
 929 ~~However, if the sign bears the name of the licensee or the name~~  
 930 ~~and address of the nonlicensed sign owner,~~ The department shall,  
 931 concurrently with and in addition to posting the notice on the  
 932 sign, provide a written notice to the owner of the sign, the  
 933 advertiser displayed on the sign, or the owner of the property,  
 934 stating that the sign is illegal and must be permanently removed  
 935 within the 30-day period specified on the posted notice. The  
 936 written notice shall further state that ~~the sign owner has a~~

937 ~~right to request~~ a hearing may be requested and that the, which  
938 request must be filed with the department within 30 days after  
939 receipt ~~the date~~ of the written notice. However, the filing of a  
940 request for a hearing will not stay the removal of the sign.

941 (b) If, pursuant to the notice provided, the sign is not  
942 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
943 on the sign, or the owner of the property within the prescribed  
944 period, the department shall immediately remove the sign without  
945 further notice; and, for that purpose, the employees, agents, or  
946 independent contractors of the department may enter upon private  
947 property without incurring any liability for so entering.

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

951 1. If the sign meets the current requirements of this  
952 chapter for a sign permit, the sign owner may submit the  
953 required application package and receive a permit as a  
954 conforming sign, upon payment of all applicable fees.

955 2. If the sign does not meet the current requirements of  
956 this chapter for a sign permit and has never been exempt from  
957 the requirement that a permit be obtained, the sign owner may  
958 receive a permit as a nonconforming sign if the department  
959 determines that the sign is not located on state right-of-way  
960 and is not a safety hazard, and if the sign owner pays a penalty  
961 fee of \$300 and all pertinent fees required by this chapter,  
962 including annual permit renewal fees payable since the date of

963 the erection of the sign, and attaches to the permit application  
 964 package documentation that demonstrates that:

965 a. The sign has been unpermitted, structurally unchanged,  
 966 and continuously maintained at the same location for 7 years or  
 967 more;

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

972 c. The department has not initiated a notice of violation  
 973 or taken other action to remove the sign during the initial 7-  
 974 year period in which the sign has been subject to the  
 975 jurisdiction of the department.

976 (d) This subsection does not cause a neighboring sign that  
 977 is permitted and that is within the spacing requirements under  
 978 s. 479.07(9)(a) to become nonconforming.

979 (e)-(e) For purposes of this subsection, a notice to the  
 980 sign owner, when required, constitutes sufficient notice. ~~and~~  
 981 Notice is not required to be provided to the lessee, advertiser,  
 982 or the owner of the real property on which the sign is located.

983 (f)-(d) If, after a hearing, it is determined that a sign  
 984 has been wrongfully or erroneously removed pursuant to this  
 985 subsection, the department, at the sign owner's discretion,  
 986 shall either pay just compensation to the owner of the sign or  
 987 reerect the sign in kind at the expense of the department.

988 ~~(e) However, if the sign owner demonstrates to the~~

989 ~~department that:~~

990 ~~1. The sign has been unpermitted, structurally unchanged,~~  
 991 ~~and continuously maintained at the same location for a period of~~  
 992 ~~7 years or more;~~

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

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

999 ~~4. The department determines that the sign is not located~~  
 1000 ~~on state right-of-way and is not a safety hazard,~~

1001  
 1002 ~~the sign may be considered a conforming or nonconforming sign~~  
 1003 ~~and may be issued a permit by the department upon application in~~  
 1004 ~~accordance with this chapter and payment of a penalty fee of~~  
 1005 ~~\$300 and all pertinent fees required by this chapter, including~~  
 1006 ~~annual permit renewal fees payable since the date of the~~  
 1007 ~~erection of the sign.~~

1008 (2) (a) If a sign is under construction and the department  
 1009 determines that a permit has not been issued for the sign as  
 1010 required under ~~the provisions of~~ this chapter, the department  
 1011 may ~~is authorized to~~ require that all work on the sign cease  
 1012 until the sign owner shows that the sign does not violate ~~the~~  
 1013 ~~provisions of~~ this chapter. The order to cease work shall be  
 1014 prominently posted on the sign structure, and ~~no~~ further notice

1015 is not required ~~to be given~~. The failure of a sign owner or her  
 1016 or his agents to immediately comply with the order subjects  
 1017 ~~shall subject~~ the sign to prompt removal by the department.

1018 (b) For the purposes of this subsection only, a sign is  
 1019 under construction when it is in any phase of initial  
 1020 construction before ~~prior to~~ the attachment and display of the  
 1021 advertising message in final position for viewing by the  
 1022 traveling public. A sign that is undergoing routine maintenance  
 1023 or change of the advertising message only is not considered to  
 1024 be under construction for the purposes of this subsection.

1025 (3) The cost of removing a sign, ~~whether~~ by the department  
 1026 or an independent contractor, shall be assessed against the  
 1027 owner of the sign by the department.

1028 Section 13. Subsections (5) and (7) of section 479.106,  
 1029 Florida Statutes, are amended to read:

1030 479.106 Vegetation management.—

1031 (5) The department may only grant a permit pursuant to s.  
 1032 479.07 for a new sign that ~~which~~ requires the removal, cutting,  
 1033 or trimming of existing trees or vegetation on public right-of-  
 1034 way for the sign face to be visible from the highway the sign  
 1035 will be permitted to when the sign owner has removed at least  
 1036 two nonconforming signs of approximate comparable size and  
 1037 surrendered the permits for the nonconforming signs to the  
 1038 department for cancellation. For signs originally permitted  
 1039 after July 1, 1996, the first application, or application for a  
 1040 change of view zone, ~~no permit~~ for the removal, cutting, or



1041 trimming of trees or vegetation along the highway the sign is  
 1042 permitted to shall require the removal of two nonconforming  
 1043 signs, in addition to mitigation or contribution to a plan of  
 1044 mitigation. The department may not grant a permit for the  
 1045 removal, cutting, or trimming of trees for a sign permitted  
 1046 after July 1, 1996, if the shall be granted where such trees are  
 1047 or the vegetation is ~~are~~ part of a beautification project  
 1048 implemented before ~~prior to~~ the date of the original sign permit  
 1049 application and if, ~~when~~ the beautification project is  
 1050 specifically identified in the department's construction plans,  
 1051 permitted landscape projects, or agreements.

1052 (7) Any person engaging in removal, cutting, or trimming  
 1053 of trees or vegetation in violation of this section or  
 1054 benefiting from such actions shall be subject to an  
 1055 administrative penalty of up to \$1,000 per sign facing and  
 1056 required to mitigate for the unauthorized removal, cutting, or  
 1057 trimming in such manner and in such amount as may be required  
 1058 under the rules of the department.

1059 Section 14. Subsection (5) of section 479.107, Florida  
 1060 Statutes, is amended to read:

1061 479.107 Signs on highway rights-of-way; removal.—

1062 (5) The cost of removing a sign, ~~whether~~ by the department  
 1063 or an independent contractor, ~~shall~~ be assessed by the  
 1064 department against the owner of the sign. ~~Furthermore, the~~  
 1065 ~~department shall assess a fine of \$75 against the sign owner for~~  
 1066 ~~any sign which violates the requirements of this section.~~

1067 Section 15. Section 479.111, Florida Statutes, is amended  
 1068 to read:

1069 479.111 Specified signs allowed within controlled portions  
 1070 of the interstate and federal-aid primary highway system.—Only  
 1071 the following signs shall be allowed within controlled portions  
 1072 of the interstate highway system and the federal-aid primary  
 1073 highway system as set forth in s. 479.11(1) and (2):

1074 (1) Directional or other official signs and notices that  
 1075 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1076 (2) Signs in commercial-zoned and industrial-zoned areas  
 1077 or commercial-unzoned and industrial-unzoned areas and within  
 1078 660 feet of the nearest edge of the right-of-way, subject to the  
 1079 requirements set forth in the 1972 agreement between the state  
 1080 and the United States Department of Transportation.

1081 (3) Signs for which permits are not required under s.  
 1082 479.16.

1083 Section 16. Section 479.15, Florida Statutes, is amended  
 1084 to read:

1085 479.15 Harmony of regulations.—

1086 (1) A ~~No~~ zoning board or commission or other public  
 1087 officer or agency may not ~~shall~~ issue a permit to erect a ~~any~~  
 1088 sign that ~~which~~ is prohibited under ~~the provisions of~~ this  
 1089 chapter or the rules of the department, and ~~nor shall~~ the  
 1090 department may not issue a permit for a ~~any~~ sign that ~~which~~ is  
 1091 prohibited by any other public board, officer, or agency in the  
 1092 lawful exercise of its powers.

1093 (2) A municipality, county, local zoning authority, or  
 1094 other local governmental entity may not remove, or cause to be  
 1095 removed, a ~~any~~ lawfully erected sign along any portion of the  
 1096 interstate or federal-aid primary highway system without first  
 1097 paying just compensation for such removal. A local governmental  
 1098 entity may not cause in any way the alteration of a ~~any~~ lawfully  
 1099 erected sign located along any portion of the interstate or  
 1100 federal-aid primary highway system without payment of just  
 1101 compensation if such alteration constitutes a taking under state  
 1102 law. The municipality, county, local zoning authority, or other  
 1103 local governmental ~~government~~ entity that adopts requirements  
 1104 for such alteration shall pay just compensation to the sign  
 1105 owner if such alteration constitutes a taking under state law.  
 1106 This subsection applies only to a lawfully erected sign the  
 1107 subject matter of which relates to premises other than the  
 1108 premises on which it is located or to merchandise, services,  
 1109 activities, or entertainment not sold, produced, manufactured,  
 1110 or furnished on the premises on which the sign is located. ~~As~~  
 1111 ~~used in this subsection, the term "federal-aid primary highway~~  
 1112 ~~system" means the federal-aid primary highway system in~~  
 1113 ~~existence on June 1, 1991, and any highway that was not a part~~  
 1114 ~~of such system as of that date but that is or becomes after June~~  
 1115 ~~1, 1991, a part of the National Highway System.~~ This subsection  
 1116 may ~~shall~~ not be interpreted as explicit or implicit legislative  
 1117 recognition that alterations do or do not constitute a taking  
 1118 under state law.

1119 (3) It is the express intent of the Legislature to limit  
1120 the state right-of-way acquisition costs on state and federal  
1121 roads in eminent domain proceedings, ~~the provisions of ss.~~  
1122 479.07 and 479.155 notwithstanding. Subject to approval by the  
1123 Federal Highway Administration, if ~~whenever~~ public acquisition  
1124 of land upon which is situated a lawful permitted nonconforming  
1125 sign occurs, ~~as provided in this chapter,~~ the sign may, at the  
1126 election of its owner and the department, be relocated or  
1127 reconstructed adjacent to the new right-of-way and in close  
1128 proximity to the current site if along the roadway within 100  
1129 feet of the current location, ~~provided the nonconforming sign is~~  
1130 ~~not relocated~~ in an area inconsistent with s. 479.024. on a  
1131 ~~parcel zoned residential, and provided further that~~ Such  
1132 relocation is ~~shall be~~ subject to the applicable setback  
1133 requirements in the 1972 agreement between the state and the  
1134 United States Department of Transportation. The sign owner shall  
1135 pay all costs associated with relocating or reconstructing a any  
1136 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any  
1137 local government may not ~~shall~~ reimburse the sign owner for such  
1138 costs, unless part of such relocation costs is ~~are~~ required by  
1139 federal law. If ~~no~~ adjacent property is not available for the  
1140 relocation, the department is ~~shall be~~ responsible for paying  
1141 the owner of the sign just compensation for its removal.

1142 (4) For a nonconforming sign, ~~Such relocation shall be~~  
1143 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~  
1144 not be increased in size or height or structurally modified at

1145 the point of relocation in a manner inconsistent with the  
 1146 current building codes of the jurisdiction in which the sign is  
 1147 located.

1148 (5) If ~~In the event that~~ relocation can be accomplished  
 1149 but is inconsistent with the ordinances of the municipality or  
 1150 county within whose jurisdiction the sign is located, the  
 1151 ordinances of the local government shall prevail if, provided  
 1152 ~~that~~ the local government assumes ~~shall assume~~ the  
 1153 responsibility to provide the owner of the sign just  
 1154 compensation for its removal, ~~but in no event shall~~  
 1155 Compensation paid by the local government may not be greater  
 1156 than exceed the compensation required under state or federal  
 1157 law. ~~Further, the provisions of~~ This section does ~~shall~~ not  
 1158 impair any agreement or future agreements between a municipality  
 1159 or county and the owner of a sign or signs within the  
 1160 jurisdiction of the municipality or county. ~~Nothing in this~~  
 1161 ~~section shall be deemed to cause a nonconforming sign to become~~  
 1162 ~~conforming solely as a result of the relocation allowed in this~~  
 1163 ~~section.~~

1164 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~  
 1165 ~~this section shall~~ not apply within the jurisdiction of a ~~any~~  
 1166 municipality that ~~which~~ is engaged in ~~any~~ litigation concerning  
 1167 its sign ordinance on April 23, 1999, and the subsections do not  
 1168 ~~nor shall such provisions~~ apply to a ~~any~~ municipality whose  
 1169 boundaries are identical to the county within which the said  
 1170 municipality is located.

1171 (7) This section does not cause a neighboring sign that is  
 1172 already permitted and that is within the spacing requirements  
 1173 established in s. 479.07(9)(a) to become nonconforming.

1174 Section 17. Section 479.156, Florida Statutes, is amended  
 1175 to read:

1176 479.156 Wall murals.—Notwithstanding any other provision  
 1177 of this chapter, a municipality or county may permit and  
 1178 regulate wall murals within areas designated by such government.  
 1179 If a municipality or county permits wall murals, a wall mural  
 1180 that displays a commercial message and is within 660 feet of the  
 1181 nearest edge of the right-of-way within an area adjacent to the  
 1182 interstate highway system or the federal-aid primary highway  
 1183 system shall be located only in an area that is zoned for  
 1184 industrial or commercial use pursuant to s. 479.024. ~~and~~ The  
 1185 municipality or county shall establish and enforce regulations  
 1186 for such areas which ~~that~~, at a minimum, set forth criteria  
 1187 governing the size, lighting, and spacing of wall murals  
 1188 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~  
 1189 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a  
 1190 municipality or county exercises such control and makes a  
 1191 determination of customary use pursuant to 23 U.S.C. s. 131(d),  
 1192 such determination shall be accepted in lieu of controls in the  
 1193 agreement between the state and the United States Department of  
 1194 Transportation, and the department shall notify the Federal  
 1195 Highway Administration pursuant to the agreement, 23 U.S.C. s.  
 1196 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is

1197 subject to municipal or county regulation and 23 U.S.C. s. 131  
 1198 ~~the Highway Beautification Act of 1965~~ must be approved by the  
 1199 Department of Transportation and the Federal Highway  
 1200 Administration when required by federal law and federal  
 1201 regulation under the agreement between the state and the United  
 1202 States Department of Transportation and federal regulations  
 1203 enforced by the Department of Transportation under s. 479.02(1).  
 1204 The existence of a wall mural as defined in s. 479.01~~(30)~~ must  
 1205 ~~shall~~ not be considered in determining whether a sign as defined  
 1206 in s. 479.01~~(20)~~, ~~either~~ existing or new, is in compliance with  
 1207 s. 479.07(9)(a).

1208 Section 18. Section 479.16, Florida Statutes, is amended  
 1209 to read:

1210 479.16 Signs for which permits are not required.—The  
 1211 following signs are exempt from the requirement that a permit  
 1212 for a sign be obtained under ~~the provisions of~~ this chapter but  
 1213 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),  
 1214 and the provisions of subsections (15)-(19) may not be  
 1215 implemented or continued if the Federal Government notifies the  
 1216 department that implementation or continuation will adversely  
 1217 affect the allocation of federal funds to the department:

1218 (1) Signs erected on the premises of an establishment,  
 1219 which ~~signs~~ consist primarily of the name of the establishment  
 1220 or ~~which~~ identify the principal or accessory merchandise,  
 1221 services, activities, or entertainment sold, produced,  
 1222 manufactured, or furnished on the premises of the establishment

1223 and which comply with the lighting restrictions imposed under  
 1224 ~~department rule adopted pursuant to s. 479.11(5),~~ or signs owned  
 1225 by a municipality or a county located on the premises of such  
 1226 municipality or ~~such~~ county which display information regarding  
 1227 governmental ~~government~~ services, activities, events, or  
 1228 entertainment. For purposes of this section, the following types  
 1229 of messages are ~~shall~~ not be considered information regarding  
 1230 governmental ~~government~~ services, activities, events, or  
 1231 entertainment:

- 1232 (a) Messages that ~~which~~ specifically reference any
- 1233 commercial enterprise.
- 1234 (b) Messages that ~~which~~ reference a commercial sponsor of
- 1235 any event.
- 1236 (c) Personal messages.
- 1237 (d) Political campaign messages.

1238

1239 If a sign located on the premises of an establishment consists  
 1240 principally of brand name or trade name advertising and the  
 1241 merchandise or service is only incidental to the principal  
 1242 activity, or if the owner of the establishment receives rental  
 1243 income from the sign, ~~then~~ the sign is not exempt under this  
 1244 subsection.

1245 (2) Signs erected, used, or maintained on a farm by the  
 1246 owner or lessee of such farm and relating solely to farm  
 1247 produce, merchandise, service, or entertainment sold, produced,  
 1248 manufactured, or furnished on such farm.



1249 (3) Signs posted or displayed on real property by the  
 1250 owner or by the authority of the owner, stating that the real  
 1251 property is for sale or rent. However, if the sign contains any  
 1252 message not pertaining to the sale or rental of the ~~that~~ real  
 1253 property, ~~then~~ it is not exempt under this section.

1254 (4) Official notices or advertisements posted or displayed  
 1255 on private property by or under the direction of any public or  
 1256 court officer in the performance of her or his official or  
 1257 directed duties, or by trustees under deeds of trust or deeds of  
 1258 assignment or other similar instruments.

1259 (5) Danger or precautionary signs relating to the premises  
 1260 on which they are located; forest fire warning signs erected  
 1261 under the authority of the Florida Forest Service of the  
 1262 Department of Agriculture and Consumer Services; and signs,  
 1263 notices, or symbols erected by the United States Government  
 1264 under the direction of the United States Forest ~~Forestry~~  
 1265 Service.

1266 (6) Notices of any railroad, bridge, ferry, or other  
 1267 transportation or transmission company necessary for the  
 1268 direction or safety of the public.

1269 (7) Signs, notices, or symbols for the information of  
 1270 aviators as to location, directions, and landings and conditions  
 1271 affecting safety in aviation erected or authorized by the  
 1272 department.

1273 (8) Signs or notices measuring up to 8 square feet in area  
 1274 which are erected or maintained upon property and which state

1275 ~~stating~~ only the name of the owner, lessee, or occupant of the  
 1276 premises ~~and not exceeding 8 square feet in area.~~

1277 (9) Historical markers erected by ~~duly constituted and~~  
 1278 authorized public authorities.

1279 (10) Official traffic control signs and markers erected,  
 1280 caused to be erected, or approved by the department.

1281 (11) Signs erected upon property warning the public  
 1282 against hunting and fishing or trespassing ~~thereon.~~

1283 (12) Signs ~~not in excess~~ of up to 8 square feet which ~~that~~  
 1284 are owned by and relate to the facilities and activities of  
 1285 churches, civic organizations, fraternal organizations,  
 1286 charitable organizations, or units or agencies of government.

1287 (13) ~~Except that~~ Signs placed on benches, transit  
 1288 shelters, modular news racks, street light poles, public pay  
 1289 telephones, and waste receptacles, within the right-of-way, as  
 1290 provided for in s. 337.408 are exempt from ~~all provisions of~~  
 1291 this chapter.

1292 (14) Signs relating exclusively to political campaigns.

1293 (15) Signs measuring up to ~~not in excess of~~ 16 square feet  
 1294 placed at a road junction with the State Highway System denoting  
 1295 only the distance or direction of a residence or farm operation,  
 1296 or, outside an incorporated in a rural area where a hardship is  
 1297 created because a small business is not visible from the road  
 1298 junction with the State Highway System, one sign measuring up to  
 1299 ~~not in excess of~~ 16 square feet, denoting only the name of the  
 1300 business and the distance and direction to the business. ~~The~~

1301 ~~small-business-sign provision of this subsection does not apply~~  
1302 ~~to charter counties and may not be implemented if the Federal~~  
1303 ~~Government notifies the department that implementation will~~  
1304 ~~adversely affect the allocation of federal funds to the~~  
1305 ~~department.~~

1306 (16) Signs placed by a local tourist-oriented business  
1307 located within a rural area of critical economic concern as  
1308 defined in s. 288.0656(2) which are:

1309 (a) Not more than 8 square feet in size or more than 4  
1310 feet in height;

1311 (b) Located only in rural areas on a facility that does  
1312 not meet the definition of a limited access facility, as defined  
1313 in s. 334.03;

1314 (c) Located within 2 miles of the business location and at  
1315 least 500 feet apart;

1316 (d) Located only in two directions leading to the  
1317 business; and

1318 (e) Not located within the road right-of-way.

1319

1320 A business placing such signs must be at least 4 miles from any  
1321 other business using this exemption and may not participate in  
1322 any other directional signage program by the department.

1323 (17) Signs measuring up to 32 square feet denoting only  
1324 the distance or direction of a farm operation which are erected  
1325 at a road junction with the State Highway System, but only  
1326 during the harvest season of the farm operation for up to 4

1327 months.

1328 (18) Acknowledgment signs erected upon publicly funded  
1329 school premises which relate to a specific public school club,  
1330 team, or event and which are placed at least 1,000 feet from any  
1331 other acknowledgment sign on the same side of the roadway. The  
1332 sponsor information on an acknowledgment sign may constitute no  
1333 more than 100 square feet of the sign. As used in this  
1334 subsection, the term "acknowledgment sign" means a sign that is  
1335 intended to inform the traveling public that a public school  
1336 club, team, or event has been sponsored by a person, firm, or  
1337 other entity.

1338 (19) Displays erected upon a sports facility, the content  
1339 of which is directly related to the facility's activities or to  
1340 the facility's products or services. Displays must be mounted  
1341 flush to the surface of the sports facility and must rely upon  
1342 the building facade for structural support. As used in this  
1343 subsection, the term "sports facility" means an athletic  
1344 complex, athletic arena, or athletic stadium, including  
1345 physically connected parking facilities, which is open to the  
1346 public and has a seating capacity of 15,000 or more permanently  
1347 installed seats.

1348  
1349 If the exemptions in subsections (15)-(19) are not implemented  
1350 or continued due to notification from the Federal Government  
1351 that the allocation of federal funds to the department will be  
1352 adversely impacted, the department shall provide notice to the

1353 sign owner that the sign must be removed within 30 days after  
1354 receipt of the notice. If the sign is not removed within 30 days  
1355 after receipt of the notice by the sign owner, the department  
1356 may remove the sign, and the costs incurred in connection with  
1357 the sign removal shall be assessed against and collected from  
1358 the sign owner.

1359 Section 19. Section 479.24, Florida Statutes, is amended  
1360 to read:

1361 479.24 Compensation for ~~removal of~~ signs; eminent domain;  
1362 exceptions.—

1363 (1) Just compensation shall be paid by the department  
1364 upon the department's acquisition ~~removal~~ of a lawful conforming  
1365 or nonconforming sign along any portion of the interstate or  
1366 federal-aid primary highway system. This section does not apply  
1367 to a sign that ~~which~~ is illegal at the time of its removal. A  
1368 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~  
1369 illegal at such time as it fails to be permitted or maintained  
1370 in accordance with all applicable laws, rules, ordinances, or  
1371 regulations other than the provision that ~~which~~ makes it  
1372 nonconforming. A legal nonconforming sign under state law or  
1373 rule does ~~will~~ not lose its nonconforming status solely because  
1374 it additionally becomes nonconforming under an ordinance or  
1375 regulation of a local governmental entity passed at a later  
1376 date. The department shall make every reasonable effort to  
1377 negotiate the purchase of the signs to avoid litigation and  
1378 congestion in the courts.

1379 (2) The department is not required to remove any sign  
 1380 under this section if the federal share of the just compensation  
 1381 to be paid upon removal of the sign is not available to make  
 1382 such payment, unless an appropriation by the Legislature for  
 1383 such purpose is made to the department.

1384 (3) (a) The department may ~~is authorized to~~ use the power  
 1385 of eminent domain when necessary to carry out ~~the provisions of~~  
 1386 this chapter.

1387 (b) If eminent domain procedures are instituted, just  
 1388 compensation shall be made pursuant to the state's eminent  
 1389 domain procedures, chapters 73 and 74.

1390 Section 20. Section 479.25, Florida Statutes, is amended  
 1391 to read:

1392 479.25 Erection of noise-attenuation barrier blocking view  
 1393 of sign; procedures; application.—

1394 (1) The owner of a lawfully erected sign that is governed  
 1395 by and conforms to state and federal requirements for land use,  
 1396 size, height, and spacing may increase the height above ground  
 1397 level of such sign at its permitted location if a noise-  
 1398 attenuation barrier is permitted by or erected by any  
 1399 governmental entity in such a way as to screen or block  
 1400 visibility of the sign. Any increase in height permitted under  
 1401 this section may only be the increase in height which is  
 1402 required to achieve the same degree of visibility from the  
 1403 right-of-way which the sign had before ~~prior to~~ the construction  
 1404 of the noise-attenuation barrier, notwithstanding the

1405 restrictions contained in s. 479.07(9)(b). A sign reconstructed  
 1406 under this section must ~~shall~~ comply with the building standards  
 1407 and wind load requirements provided ~~set forth~~ in the Florida  
 1408 Building Code. If construction of a proposed noise-attenuation  
 1409 barrier will screen a sign lawfully permitted under this  
 1410 chapter, the department shall provide notice to the local  
 1411 government or local jurisdiction within which the sign is  
 1412 located before construction ~~prior to erection of the noise-~~  
 1413 ~~attenuation barrier~~. Upon a determination that an increase in  
 1414 the height of a sign as permitted under this section will  
 1415 violate ~~a provision contained in an ordinance or a~~ land  
 1416 development regulation of the local government or local  
 1417 jurisdiction, the local government or local jurisdiction shall,  
 1418 before construction ~~so notify the department~~. When notice has  
 1419 ~~been received from the local government or local jurisdiction~~  
 1420 ~~prior to erection of the noise-attenuation barrier,~~ the  
 1421 ~~department shall:~~

1422 (a) Provide a variance or waiver to the local ordinance or  
 1423 land development regulations to ~~Conduct a written survey of all~~  
 1424 ~~property owners identified as impacted by highway noise and who~~  
 1425 ~~may benefit from the proposed noise-attenuation barrier. The~~  
 1426 ~~written survey shall inform the property owners of the location,~~  
 1427 ~~date, and time of the public hearing described in paragraph (b)~~  
 1428 ~~and shall specifically advise the impacted property owners that:~~

1429 1. ~~Erection of the noise-attenuation barrier may block the~~  
 1430 ~~visibility of an existing outdoor advertising sign;~~

1431 ~~2. The local government or local jurisdiction may restrict~~  
1432 ~~or prohibit increasing the height of the existing outdoor~~  
1433 ~~advertising sign to make it visible over the barrier; and~~

1434 ~~3. If a majority of the impacted property owners vote for~~  
1435 ~~construction of the noise attenuation barrier, the local~~  
1436 ~~government or local jurisdiction will be required to:~~

1437 ~~a. allow an increase in the height of the sign in~~  
1438 ~~violation of a local ordinance or land development regulation;~~

1439 ~~(b) b.~~ Allow the sign to be relocated or reconstructed at  
1440 another location if the sign owner agrees; or

1441 ~~(c) e.~~ Pay the fair market value of the sign and its  
1442 associated interest in the real property.

1443 ~~(2) (b)~~ The department shall hold a public hearing within  
1444 the boundaries of the affected local governments or local  
1445 jurisdictions to receive input on the proposed noise-attenuation  
1446 barrier and its conflict with the local ordinance or land  
1447 development regulation and to suggest or consider alternatives  
1448 or modifications ~~to the proposed noise attenuation barrier~~ to  
1449 alleviate or minimize the conflict with the local ordinance or  
1450 land development regulation or minimize any costs that may be  
1451 associated with relocating, reconstructing, or paying for the  
1452 affected sign. The public hearing may be held concurrently with  
1453 other public hearings scheduled for the project. The department  
1454 shall provide a written notification to the local government or  
1455 local jurisdiction of the date and time of the public hearing  
1456 and shall provide general notice of the public hearing in



1457 accordance with the notice provisions of s. 335.02(1). The  
 1458 notice may ~~shall~~ not be placed in that portion of a newspaper in  
 1459 which legal notices or classified advertisements appear. The  
 1460 notice must ~~shall~~ specifically state that:

1461 (a)1. ~~(a)1.~~ Erection of the proposed noise-attenuation barrier  
 1462 may block the visibility of an existing outdoor advertising  
 1463 sign;

1464 (b)2. ~~(b)2.~~ The local government or local jurisdiction may  
 1465 restrict or prohibit increasing the height of the existing  
 1466 outdoor advertising sign ~~to make it visible over the barrier;~~  
 1467 and

1468 (c)3. ~~(c)3.~~ ~~Upon If a majority of the impacted property owners~~  
 1469 ~~vote for~~ construction of the noise-attenuation barrier, the  
 1470 local government or local jurisdiction shall ~~will be required~~  
 1471 ~~to:~~

1472 1.a. ~~1.a.~~ Allow an increase in the height of the sign through a  
 1473 waiver or variance to ~~in violation of~~ a local ordinance or land  
 1474 development regulation;

1475 2.b. ~~2.b.~~ Allow the sign to be relocated or reconstructed at  
 1476 another location if the sign owner agrees; or

1477 3.c. ~~3.c.~~ Pay the fair market value of the sign and its  
 1478 associated interest in the real property.

1479 (3)2. ~~(3)2.~~ The department may ~~shall~~ not permit erection of the  
 1480 noise-attenuation barrier to the extent the barrier screens or  
 1481 blocks visibility of the sign until after the public hearing is  
 1482 held ~~and until such time as the survey has been conducted and a~~

1483 ~~majority of the impacted property owners have indicated approval~~  
1484 ~~to erect the noise attenuation barrier. When the impacted~~  
1485 ~~property owners approve of the noise attenuation barrier~~  
1486 ~~construction, the department shall notify the local governments~~  
1487 ~~or local jurisdictions. The local government or local~~  
1488 ~~jurisdiction shall, notwithstanding the provisions of a~~  
1489 ~~conflicting ordinance or land development regulation.~~

1490 ~~(a) Issue a permit by variance or otherwise for the~~  
1491 ~~reconstruction of a sign under this section;~~

1492 ~~(b) Allow the relocation of a sign, or construction of~~  
1493 ~~another sign, at an alternative location that is permissible~~  
1494 ~~under the provisions of this chapter, if the sign owner agrees~~  
1495 ~~to relocate the sign or construct another sign; or~~

1496 ~~(c) Refuse to issue the required permits for~~  
1497 ~~reconstruction of a sign under this section and pay fair market~~  
1498 ~~value of the sign and its associated interest in the real~~  
1499 ~~property to the owner of the sign.~~

1500 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions  
1501 ~~of~~ any existing written agreement executed before July 1, 2006,  
1502 between any local government and the owner of an outdoor  
1503 advertising sign.

1504 Section 21. Subsection (1) of section 479.261, Florida  
1505 Statutes, is amended to read:

1506 479.261 Logo sign program.—

1507 (1) The department shall establish a logo sign program  
1508 for the rights-of-way of the limited access interstate highway

1509 system to provide information to motorists about available gas,  
1510 food, lodging, camping, attractions, and other services, as  
1511 approved by the Federal Highway Administration, at interchanges  
1512 through the use of business logos and may include additional  
1513 interchanges under the program.

1514 (a) As used in this chapter, the term "attraction" means  
1515 an establishment, site, facility, or landmark that is open a  
1516 minimum of 5 days a week for 52 weeks a year; that has as its  
1517 principal focus family-oriented entertainment, cultural,  
1518 educational, recreational, scientific, or historical activities;  
1519 and that is publicly recognized as a bona fide tourist  
1520 attraction.

1521 (b) The department shall incorporate the use of RV-  
1522 friendly markers on specific information logo signs for  
1523 establishments that cater to the needs of persons driving  
1524 recreational vehicles. Establishments that qualify for  
1525 participation in the specific information logo program and that  
1526 also qualify as "RV-friendly" may request the RV-friendly marker  
1527 on their specific information logo sign. An RV-friendly marker  
1528 must consist of a design approved by the Federal Highway  
1529 Administration. The department shall adopt rules ~~in accordance~~  
1530 ~~with chapter 120~~ to administer this paragraph. Such rules must  
1531 establish minimum requirements for parking spaces, entrances and  
1532 exits, and overhead clearance which must be met by, including  
1533 ~~rules setting forth the minimum requirements that~~ establishments  
1534 that wish must meet in order to qualify as RV-friendly. ~~These~~

1535 ~~requirements shall include large parking spaces, entrances, and~~  
 1536 ~~exits that can easily accommodate recreational vehicles and~~  
 1537 ~~facilities having appropriate overhead clearances, if~~  
 1538 ~~applicable.~~

1539 Section 22. Subsection (1) of section 479.262, Florida  
 1540 Statutes, is amended to read:

1541 479.262 Tourist-oriented directional sign program.—

1542 (1) A tourist-oriented directional sign program to provide  
 1543 directions to rural tourist-oriented businesses, services, and  
 1544 activities may be established at intersections on rural and  
 1545 conventional state, county, or municipal roads only in rural  
 1546 counties identified by criteria and population in s. 288.0656  
 1547 when approved and permitted by county or local governmental  
 1548 ~~government~~ entities within their respective jurisdictional areas  
 1549 ~~at intersections on rural and conventional state, county, or~~  
 1550 ~~municipal roads.~~ A county or local government that ~~which~~ issues  
 1551 permits for a tourist-oriented directional sign program is ~~shall~~  
 1552 ~~be~~ responsible for sign construction, maintenance, and program  
 1553 operation in compliance with subsection (3) for roads on the  
 1554 state highway system and may establish permit fees sufficient to  
 1555 offset associated costs. A tourist-oriented directional sign may  
 1556 not be used on roads in urban areas or at interchanges on  
 1557 freeways or expressways.

1558 Section 23. Section 479.313, Florida Statutes, is amended  
 1559 to read:

1560 479.313 Permit revocation and cancellation; cost of

1561 removal.—All costs incurred by the department in connection with  
1562 the removal of a sign located within a controlled area adjacent  
1563 to the State Highway System, interstate highway system, or  
1564 federal-aid primary highway system following the revocation or  
1565 cancellation of the permit for such sign shall be assessed  
1566 against and collected from the permittee.

1567       Section 24. There is established a pilot program for the  
1568 School District of Palm Beach County to recognize its business  
1569 partners. The school district may recognize its business  
1570 partners by publicly displaying the names of the business  
1571 partners on school district property in the unincorporated areas  
1572 of the county. Recognitions of Project Graduation and athletic  
1573 sponsorships are examples of appropriate recognitions. The  
1574 school district shall make every effort to display the names of  
1575 its business partners in a manner that is consistent with the  
1576 county standards for uniformity in size, color, and placement of  
1577 the signs. If the provisions of this section are inconsistent  
1578 with county ordinances or regulations relating to signs in the  
1579 unincorporated areas of the county or inconsistent with chapter  
1580 125 or chapter 166, Florida Statutes, the provisions of this  
1581 section shall prevail. If the Federal Highway Administration  
1582 determines that the Department of Transportation is not  
1583 providing effective control of outdoor advertising as a result  
1584 of a business partner recognition by the school district under  
1585 this pilot program, the department shall notify the school  
1586 district by certified mail of any nonconforming recognition, and

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1587 the school district shall remove the recognition specified in  
1588 the notice within 30 days after receiving the notification. The  
1589 pilot program expires June 30, 2015.

1590 Section 25. Section 76 of chapter 2012-174, Laws of  
1591 Florida, is repealed.

1592 Section 26. This act shall take effect July 1, 2014.