

1 A bill to be entitled

2 An act relating to transportation; amending s.
3 316.2397, F.S.; expanding the types of vehicles that
4 may show or display an amber light; amending s.
5 337.403, F.S.; providing an exception for payment of
6 certain utility work necessitated by a project on the
7 State Highway System for municipally owned utilities
8 or county-owned utilities located in rural areas of
9 critical economic concern and authorizing the
10 Department of Transportation to pay for such costs
11 under certain circumstances; creating s. 339.041,
12 F.S.; providing legislative intent; describing the
13 types of department property eligible for factoring
14 future revenues received by the department from leases
15 for wireless communication facilities on department
16 property; authorizing the department to enter into
17 agreements with investors to purchase the revenue
18 streams from department leases of wireless
19 communication facilities on such property pursuant to
20 an invitation to negotiate; prohibiting the department
21 from pledging state credit; allowing the department to
22 make certain covenants; providing for the
23 appropriation and payment of moneys received from such
24 agreements to investors; requiring the proceeds from
25 such leases to be used for certain fixed capital
26 expenditures; amending s. 479.16, F.S.; exempting

27 certain signs from the provisions of ch. 479, F.S.;

28 exempting from permitting certain signs placed by

29 tourist-oriented businesses, certain farm signs placed

30 during harvest seasons, certain acknowledgement signs

31 on publicly funded school premises, and certain

32 displays on specific sports facilities; providing that

33 certain provisions relating to the regulation of signs

34 may not be implemented or continued if such actions

35 will adversely impact the allocation of federal funds

36 to the Department of Transportation; directing the

37 department to notify a sign owner that the sign must

38 be removed if federal funds are adversely impacted;

39 authorizing the department to remove the sign and

40 assess costs to the sign owner under certain

41 circumstances; amending s. 479.262, F.S.; clarifying

42 provisions relating to the tourist-oriented

43 directional sign program; limiting the placement of

44 such signs to intersections on certain rural roads;

45 prohibiting such signs in urban areas or at

46 interchanges on freeways or expressways; providing an

47 effective date.

48

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

50

51 Section 1. Subsection (4) of section 316.2397, Florida

52 Statutes, is amended to read:

53 316.2397 Certain lights prohibited; exceptions.—

54 (4) Road or street maintenance equipment, road or street
 55 maintenance vehicles, road service vehicles, refuse collection
 56 vehicles, petroleum tankers, and mail carrier vehicles may show
 57 or display amber lights when in operation or a hazard exists. A
 58 commercial motor vehicle or trailer designed to transport
 59 unprocessed logs or pulpwood may show or display an amber light
 60 affixed to the rearmost point of the vehicle or trailer.

61 Section 2. Subsection (1) of section 337.403, Florida
 62 Statutes, is amended to read:

63 337.403 Interference caused by relocation of utility;
 64 expenses.—

65 (1) If a utility that is placed upon, under, over, or
 66 along any public road or publicly owned rail corridor is found
 67 by the authority to be unreasonably interfering in any way with
 68 the convenient, safe, or continuous use, or the maintenance,
 69 improvement, extension, or expansion, of such public road or
 70 publicly owned rail corridor, the utility owner shall, upon 30
 71 days' written notice to the utility or its agent by the
 72 authority, initiate the work necessary to alleviate the
 73 interference at its own expense except as provided in paragraphs
 74 (a)-(h) ~~(a)-(g)~~. The work must be completed within such
 75 reasonable time as stated in the notice or such time as agreed
 76 to by the authority and the utility owner.

77 (a) If the relocation of utility facilities, as referred
 78 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.

79 84-627 ~~627 of the 84th Congress~~, is necessitated by the
80 construction of a project on the federal-aid interstate system,
81 including extensions thereof within urban areas, and the cost of
82 the project is eligible and approved for reimbursement by the
83 Federal Government to the extent of 90 percent or more under the
84 Federal Aid Highway Act, or any amendment thereof, then in that
85 event the utility owning or operating such facilities shall
86 perform any necessary work upon notice from the department, and
87 the state shall pay the entire expense properly attributable to
88 such work after deducting therefrom any increase in the value of
89 a new facility and any salvage value derived from an old
90 facility.

91 (b) When a joint agreement between the department and the
92 utility is executed for utility work to be accomplished as part
93 of a contract for construction of a transportation facility, the
94 department may participate in those utility work costs that
95 exceed the department's official estimate of the cost of the
96 work by more than 10 percent. The amount of such participation
97 is shall be limited to the difference between the official
98 estimate of all the work in the joint agreement plus 10 percent
99 and the amount awarded for this work in the construction
100 contract for such work. The department may not participate in
101 any utility work costs that occur as a result of changes or
102 additions during the course of the contract.

103 (c) When an agreement between the department and utility
104 is executed for utility work to be accomplished in advance of a

105 contract for construction of a transportation facility, the
106 department may participate in the cost of clearing and grubbing
107 necessary to perform such work.

108 (d) If the utility facility was initially installed to
109 exclusively serve the authority or its tenants, or both, the
110 authority shall bear the costs of the utility work. However, the
111 authority is not responsible for the cost of utility work
112 related to any subsequent additions to that facility for the
113 purpose of serving others.

114 (e) If, under an agreement between a utility and the
115 authority entered into after July 1, 2009, the utility conveys,
116 subordinates, or relinquishes a compensable property right to
117 the authority for the purpose of accommodating the acquisition
118 or use of the right-of-way by the authority, without the
119 agreement expressly addressing future responsibility for the
120 cost of necessary utility work, the authority shall bear the
121 cost of removal or relocation. This paragraph does not impair or
122 restrict, and may not be used to interpret, the terms of any
123 such agreement entered into before July 1, 2009.

124 (f) If the utility is an electric facility being relocated
125 underground in order to enhance vehicular, bicycle, and
126 pedestrian safety and in which ownership of the electric
127 facility to be placed underground has been transferred from a
128 private to a public utility within the past 5 years, the
129 department shall incur all costs of the necessary utility work.

130 (g) An authority may bear the costs of utility work

131 required to eliminate an unreasonable interference when the
 132 utility is not able to establish that it has a compensable
 133 property right in the particular property where the utility is
 134 located if:

135 1. The utility was physically located on the particular
 136 property before the authority acquired rights in the property;

137 2. The utility demonstrates that it has a compensable
 138 property right in all adjacent properties along the alignment of
 139 the utility; and

140 3. The information available to the authority does not
 141 establish the relative priorities of the authority's and the
 142 utility's interests in the particular property.

143 (h) If a municipally owned utility or county-owned utility
 144 is located in a rural area of critical economic concern, as
 145 defined in s. 288.0656(2), and the department determines that
 146 the utility is unable, and will not be able within the next 10
 147 years, to pay for the cost of utility work necessitated by a
 148 department project on the State Highway System, the department
 149 may pay, in whole or in part, the cost of such utility work
 150 performed by the department or its contractor.

151 Section 3. Section 339.041, Florida Statutes, is created
 152 to read:

153 339.041 Factoring of revenues from leases for wireless
 154 communication facilities.-

155 (1) The Legislature finds that efforts to increase funding
 156 for capital expenditures for the transportation system are

157 necessary for the protection of the public safety and general
158 welfare and for the preservation of transportation facilities in
159 this state. It is, therefore, the intent of the Legislature to:

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

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

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

170 (2) For the purposes of factoring revenues under this
171 section, department property includes real property located
172 within the department's limited access rights-of-way, property
173 located outside the current operating right-of-way limits which
174 is not needed to support current transportation facilities,
175 other property owned by the Board of Trustees of the Internal
176 Improvement Trust Fund and leased by the department, space on
177 department telecommunications facilities, and space on
178 department structures.

179 (3) The department may solicit investors willing to enter
180 into agreements to purchase the revenue stream from one or more
181 existing department leases for wireless communication facilities
182 on property owned or controlled by the department through the

183 issuance of an invitation to negotiate. Such agreements shall be
184 structured as tax-exempt financings for federal income tax
185 purposes in order to result in the largest possible payout.

186 (4) The department may not pledge the credit, the general
187 revenues, or the taxing power of the state or of any political
188 subdivision of the state. The obligations of the department and
189 investors under the agreement do not constitute a general
190 obligation of the state or a pledge of the full faith and credit
191 or taxing power of the state. The agreement is payable from and
192 secured solely by payments received from department leases for
193 wireless communication facilities on property owned or
194 controlled by the department, and the state or any state agency
195 does not have any liability beyond such payments.

196 (5) The department may make any covenant or representation
197 necessary or desirable in connection with the agreement,
198 including a commitment by the department to take whatever
199 actions are necessary on behalf of investors to enforce the
200 department's rights to payments on property leased for wireless
201 communications facilities. However, the department may not
202 guarantee that revenues actually received in a future year will
203 be those anticipated in its leases for wireless communication
204 facilities. The department may agree to use its best efforts to
205 ensure that anticipated future-year revenues are protected. Any
206 risk that actual revenues received from department leases for
207 wireless communications facilities will be lower than
208 anticipated shall be borne exclusively by investors.

209 (6) Subject to annual appropriation, the investors shall
 210 collect the lease payments on a schedule and in a manner
 211 established in the agreements entered into pursuant to this
 212 section between the department and the investors. The agreements
 213 may provide for lease payments to be made directly to investors
 214 by lessees if the lease agreements entered into by the
 215 department and the lessees pursuant to s. 365.172(12)(f) allow
 216 direct payment.

217 (7) Proceeds received by the department from leases for
 218 wireless communication facilities shall be deposited in the
 219 State Transportation Trust Fund created under s. 206.46 and used
 220 for fixed capital expenditures for the statewide transportation
 221 system.

222 Section 4. Section 479.16, Florida Statutes, is amended to
 223 read:

224 479.16 Signs for which permits are not required.—Signs
 225 placed on benches, transit shelters, modular news racks, street
 226 light poles, public pay telephones, and waste receptacles within
 227 the right-of-way, as provided under s. 337.408, are exempt from
 228 this chapter. The following signs are exempt from the
 229 requirement that a permit ~~for a sign~~ be obtained under the
 230 ~~provisions of this chapter but must are required to~~ comply with
 231 ~~the provisions of~~ s. 479.11(4)-(8):

232 (1) Signs erected on the premises of an establishment,
 233 which ~~signs~~ consist primarily of the name of the establishment
 234 or ~~which~~ identify the principal or accessory merchandise,

235 services, activities, or entertainment sold, produced,
 236 manufactured, or furnished on the premises of the establishment
 237 and which comply with the lighting restrictions imposed under
 238 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
 239 by a municipality or ~~a~~ county located on the premises of such
 240 municipality or ~~such~~ county which display information regarding
 241 government services, activities, events, or entertainment. For
 242 purposes of this section, the following types of messages shall
 243 not be considered information regarding government services,
 244 activities, events, or entertainment:

245 (a) Messages that ~~which~~ specifically reference any
 246 commercial enterprise.

247 (b) Messages that ~~which~~ reference a commercial sponsor of
 248 any event.

249 (c) Personal messages.

250 (d) Political campaign messages.

251
 252 If a sign located on the premises of an establishment consists
 253 principally of brand name or trade name advertising and the
 254 merchandise or service is only incidental to the principal
 255 activity, or if the owner of the establishment receives rental
 256 income from the sign, ~~then~~ the sign is not exempt under this
 257 subsection.

258 (2) Signs erected, used, or maintained on a farm by the
 259 owner or lessee of such farm and relating solely to farm
 260 produce, merchandise, service, or entertainment sold, produced,

261 manufactured, or furnished on such farm.

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

267 (4) Official notices or advertisements posted or displayed
 268 on private property by or under the direction of any public or
 269 court officer in the performance of her or his official or
 270 directed duties, or by trustees under deeds of trust or deeds of
 271 assignment or other similar instruments.

272 (5) Danger or precautionary signs relating to the premises
 273 on which they are located; forest fire warning signs erected
 274 under the authority of the Florida Forest Service of the
 275 Department of Agriculture and Consumer Services; and signs,
 276 notices, or symbols erected by the United States Government
 277 under the direction of the United States Forestry Service.

278 (6) Notices of any railroad, bridge, ferry, or other
 279 transportation or transmission company necessary for the
 280 direction or safety of the public.

281 (7) Signs, notices, or symbols for the information of
 282 aviators as to location, directions, and landings and conditions
 283 affecting safety in aviation erected or authorized by the
 284 department.

285 (8) Signs or notices measuring up to 8 square feet in area
 286 which are erected or maintained upon property and state ~~stating~~

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

289 (9) Historical markers erected by ~~duly constituted and~~
 290 authorized public authorities.

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

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

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

299 ~~(13) Except that signs placed on benches, transit~~
 300 ~~shelters, and waste receptacles as provided for in s. 337.408~~
 301 ~~are exempt from all provisions of this chapter.~~

302 (13) ~~(14)~~ Signs relating exclusively to political
 303 campaigns.

304 (14) ~~(15)~~ Signs measuring up to ~~not in excess of~~ 16 square
 305 feet placed at a road junction with the State Highway System
 306 denoting only the distance or direction of a residence or farm
 307 operation, or, outside an incorporated ~~in a rural~~ area where a
 308 hardship is created because a small business is not visible from
 309 the road junction with the State Highway System, one sign
 310 measuring up to ~~not in excess of~~ 16 square feet, denoting only
 311 the name of the business and the distance and direction to the
 312 business. ~~The small business sign provision of this subsection~~

313 ~~does not apply to charter counties and may not be implemented if~~
314 ~~the Federal Government notifies the department that~~
315 ~~implementation will adversely affect the allocation of federal~~
316 ~~funds to the department.~~

317 (15) Signs placed by a local tourist-oriented business
318 located within a rural area of critical economic concern as
319 defined under s. 288.0656(2) which are:

320 (a) Not more than 8 square feet in size or more than 4
321 feet in height;

322 (b) Located only in rural areas on a facility that does
323 not meet the definition of a limited access facility as defined
324 by department rule;

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

327 (d) Located only in two directions leading to the
328 business; and

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

330
331 A business placing such signs must be at least 4 miles from any
332 other business using this exemption and may not participate in
333 any other directional signage program by the department.

334 (16) Signs measuring up to 32 square feet denoting only
335 the distance or direction of a farm operation which are erected
336 at a road junction with the State Highway System, but only
337 during the harvest season of the farm operation for a period not
338 to exceed 4 months.

339 (17) Acknowledgement signs erected upon publicly funded
340 school premises which relate to a specific public school club,
341 team, or event which are placed at least 1,000 feet from any
342 other acknowledgement sign on the same side of the roadway. The
343 sponsor information on an acknowledgement sign may constitute no
344 more than 100 square feet of the sign. For purposes of this
345 subsection, the term "acknowledgement sign" means a sign that is
346 intended to inform the traveling public that a public school
347 club, team, or event has been sponsored by a person, firm, or
348 other entity.

349 (18) Displays erected upon a sports facility the content
350 of which is directly related to the facility's activities or
351 where products or services offered on the sports facility
352 property are present. Displays must be mounted flush to the
353 surface of the sports facility and must rely upon the building
354 facade for structural support. For purposes of this subsection,
355 the term "sports facility" means an athletic complex, athletic
356 arena, or athletic stadium, including physically connected
357 parking facilities, which is open to the public and has a
358 permanent installed seating capacity of 15,000 people or more.

359
360 The exemptions in subsections (14)-(18) may not be implemented
361 or continued if the Federal Government notifies the department
362 that implementation or continuation will adversely impact the
363 allocation of federal funds to the department. If the exemptions
364 in subsections (14)-(18) are not implemented or continued due to

365 notification from the Federal Government that the allocation of
 366 federal funds to the department will be adversely impacted, the
 367 department shall provide notice to the sign owner that the sign
 368 must be removed within 30 days. If the sign is not removed
 369 within 30 days after receipt of the notice by the sign owner,
 370 the department may remove the sign, and the costs incurred in
 371 connection with the sign removal shall be assessed against and
 372 collected from the sign owner.

373 Section 5. Section 479.262, Florida Statutes, is amended
 374 to read:

375 479.262 Tourist-oriented directional sign program.—

376 (1) A tourist-oriented directional sign program to provide
 377 directions to rural tourist-oriented businesses, services, and
 378 activities may be established for intersections on rural and
 379 conventional state, county, or municipal roads only in rural
 380 ~~counties identified by criteria and population in s. 288.0656~~
 381 when approved and permitted by county or local government
 382 entities within their respective jurisdictional areas ~~at~~
 383 ~~intersections on rural and conventional state, county, or~~
 384 ~~municipal roads~~. A county or local government that ~~which~~ issues
 385 permits for a tourist-oriented directional sign program is ~~shall~~
 386 ~~be~~ responsible for sign construction, maintenance, and program
 387 operation in compliance with subsection (3) for roads on the
 388 state highway system and may establish permit fees sufficient to
 389 offset associated costs. A tourist-oriented directional sign may
 390 not be used on roads in urban areas or at interchanges on

391 freeways or expressways.

392 (2) This section does not create a proprietary or
393 compensable interest in any tourist-oriented directional sign
394 site or location for any permittee on any rural and conventional
395 state, county, or municipal road ~~roads~~. The department or the
396 permitting entity may terminate permits or change locations of
397 tourist-oriented directional sign sites as determined necessary
398 for construction or improvement of transportation facilities or
399 for improved traffic control or safety.

400 (3) Tourist-oriented directional signs installed on the
401 state highway system must ~~shall~~ comply with the requirements of
402 the federal Manual on Uniform Traffic Control Devices and rules
403 established by the department. The department may adopt rules to
404 establish requirements for participant qualification,
405 construction standards, location of sign sites, and other
406 criteria necessary to implement this program.

407 Section 6. This act shall take effect July 1, 2014.