

By Senator Hargrett

21-998A-98

1                                   A bill to be entitled  
2           An act relating to transportation; creating s.  
3           316.0815, F.S.; providing public transit  
4           vehicles right of way when reentering traffic  
5           flow; amending s. 337.403, F.S.; authorizing  
6           the Department of Transportation to participate  
7           in the cost of clearing and grubbing with  
8           utilities prior to construction of a  
9           transportation facility; amending s. 479.01,  
10          F.S.; redefining the terms "commercial or  
11          industrial zone" and "unzoned commercial or  
12          industrial area" for the purposes of the laws  
13          regulating outdoor advertising; providing  
14          criteria for an unzoned commercial or  
15          industrial area; amending s. 479.16, F.S.;  
16          providing a permit exemption for certain  
17          outdoor advertising signs; providing an  
18          effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Section 316.0815, Florida Statutes, is  
23 created to read:

24           316.0815 Duty to yield to public transit vehicles.--

25           (1) The driver of a vehicle shall yield the right of  
26 way to a public transit vehicle traveling in the same  
27 direction which has signaled and is reentering the traffic  
28 flow.

29           (2) This section does not relieve the driver of a  
30 public transit vehicle from the duty to drive with due regard  
31 for the safety of all persons using the roadway.

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

3           337.403 Relocation of utility; expenses.--

4           (1) Any utility heretofore or hereafter placed upon,  
5 under, over, or along any public road or publicly owned rail  
6 corridor that is found by the authority to be unreasonably  
7 interfering in any way with the convenient, safe, or  
8 continuous use, or the maintenance, improvement, extension, or  
9 expansion, of such public road or publicly owned rail corridor  
10 shall, upon 30 days' written notice to the utility or its  
11 agent by the authority, be removed or relocated by such  
12 utility at its own expense except as provided in paragraphs  
13 (a), and (b), and (c).

14           (a) If the relocation of utility facilities, as  
15 referred to in s. 111 of the Federal-Aid Highway Act of 1956,  
16 Pub. L. No. 627 of the 84th Congress, is necessitated by the  
17 construction of a project on the federal-aid interstate  
18 system, including extensions thereof within urban areas, and  
19 the cost of such project is eligible and approved for  
20 reimbursement by the Federal Government to the extent of 90  
21 percent or more under the Federal Aid Highway Act, or any  
22 amendment thereof, then in that event the utility owning or  
23 operating such facilities shall relocate such facilities upon  
24 order of the department, and the state shall pay the entire  
25 expense properly attributable to such relocation after  
26 deducting therefrom any increase in the value of the new  
27 facility and any salvage value derived from the old facility.

28           (b) When a joint agreement between the department and  
29 the utility is executed for utility improvement, relocation,  
30 or removal work to be accomplished as part of a contract for  
31 construction of a transportation facility, the department may

1 participate in those utility improvement, relocation, or  
2 removal costs that exceed the department's official estimate  
3 of the cost of such work by more than 10 percent. The amount  
4 of such participation shall be limited to the difference  
5 between the official estimate of all the work in the joint  
6 agreement plus 10 percent and the amount awarded for this work  
7 in the construction contract for such work. The department may  
8 not participate in any utility improvement, relocation, or  
9 removal costs that occur as a result of changes or additions  
10 during the course of the contract.

11 (c) When a joint agreement between the department and  
12 the utility is executed for utility improvement, relocation,  
13 or removal work to be accomplished in advance of a contract  
14 for construction of a transportation facility, the department  
15 may participate in the cost of clearing and grubbing necessary  
16 to perform such work.

17 Section 3. Subsections (3) and (23) of section 479.01,  
18 Florida Statutes, are amended to read:

19 479.01 Definitions.--As used in this chapter, the  
20 term:

21 (3) "Commercial or industrial zone" means a parcel of  
22 land ~~an area within 660 feet of the nearest edge of the~~  
23 ~~right-of-way of the interstate or federal-aid primary system~~  
24 ~~designated predominately~~ for commercial or industrial use  
25 under both the future land use map of the comprehensive plan  
26 and the land development regulations adopted under ~~pursuant to~~  
27 chapter 163. If a parcel is located in an area designated for  
28 multiple uses on the future land use map of a comprehensive  
29 plan and the land development regulations do not clearly  
30 designate that parcel for a specific use, the area will be  
31 considered an unzoned commercial or industrial area if it

1 ~~meets the criteria of subsection (23). Where a local~~  
2 ~~governmental entity has not enacted a comprehensive plan by~~  
3 ~~local ordinance but has zoning regulations governing the area,~~  
4 ~~the zoning of an area shall determine whether the area is~~  
5 ~~designated predominately for commercial or industrial uses.~~

6 (23) "Unzoned commercial or industrial area" means a  
7 parcel of land designated by the ~~an area within 660 feet of~~  
8 ~~the nearest edge of the right-of-way of the interstate or~~  
9 ~~federal-aid primary system where the land use is not covered~~  
10 ~~by a future land use map of the comprehensive plan for~~  
11 multiple uses that include commercial or industrial uses but  
12 are not specifically designated for commercial or industrial  
13 uses under the land development regulations and ~~or zoning~~  
14 ~~regulation pursuant to subsection (2), in which there are~~  
15 ~~located~~ three or more separate and distinct conforming  
16 industrial or commercial activities are located.

17 (a) These activities must satisfy the following  
18 criteria:

19 1. At least one of the commercial or industrial  
20 activities must be located on the same side of the highway and  
21 within 800 feet of the sign location;

22 2. The commercial or industrial activities must be  
23 within 660 feet from the nearest edge of the right of way; and

24 3. The commercial or industrial activities must be  
25 within 1,600 feet of each other.

26  
27 Distances specified in this paragraph must be measured from  
28 the nearest outer edge of the primary building, or primary  
29 building complex when the individual units of the complex are  
30 connected by covered walkways. ~~uses located within a~~  
31

1 ~~1,600-foot radius of each other and generally recognized as~~  
2 ~~commercial or industrial by zoning authorities in this state.~~

3       **(b)** Certain activities, including, but not limited to,  
4 the following, may not be ~~so~~ recognized as commercial or  
5 industrial activities:

6           **1.(a)** Signs.

7           **2.** Communication towers.

8           **3.(b)** Agricultural, forestry, ranching, grazing,  
9 farming, and related activities, including, but not limited  
10 to, wayside fresh produce stands.

11           **4.(c)** Transient or temporary activities.

12           **5.(d)** Activities not visible from the main-traveled  
13 way.

14           **6.(e)** Activities conducted more than 660 feet from the  
15 nearest edge of the right-of-way.

16           **7.(f)** Activities conducted in a building principally  
17 used as a residence.

18           **8.(g)** Railroad tracks and minor sidings.

19       Section 4. Subsection (15) of section 479.16, Florida  
20 Statutes, is amended to read:

21       479.16 Signs for which permits are not required.--The  
22 following signs are exempt from the requirement that a permit  
23 for a sign be obtained under the provisions of this chapter  
24 but are required to comply with the provisions of s.  
25 479.11(4)-(8):

26       (15) Signs not in excess of 16 square feet placed at a  
27 road junction with the State Highway System denoting only the  
28 distance or direction of a residence or farm operation, or, in  
29 a rural area where a hardship is created because a small  
30 business is not visible from the road junction with the State  
31 Highway System, one sign not in excess of 16 ~~8~~ square feet,

1 denoting only the name of the business and the distance and  
2 direction to the business. The small-business-sign provision  
3 of this subsection does not apply to charter counties and may  
4 not be implemented if the Federal Government notifies the  
5 department that implementation will adversely affect the  
6 allocation of federal funds to the department.

7 Section 5. This act shall take effect upon becoming a  
8 law.

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SENATE SUMMARY

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Grants public transit vehicles the right of way when  
reentering traffic flow. Allows the Department of  
Transportation to participate in the cost of clearing and  
grubbing with utilities prior to construction of a  
transportation facility. Redefines the terms "commercial  
or industrial area" and "unzoned commercial or industrial  
area" for the purposes of the laws regulating outdoor  
advertising. Revises exemptions from the permit  
requirement for outdoor advertising signs.