

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. Barcode 144630

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sebesta moved the following amendment:

Senate Amendment

On page 129, line 9, through page 133, line 30, delete those lines

and insert:

70.20 Balancing of interests.--It is a policy of this state to encourage municipalities, counties, and other governmental entities and sign owners to enter into relocation and reconstruction agreements that allow governmental entities to undertake public projects and accomplish public goals without the expenditure of public funds, while allowing the continued maintenance of private investment in signage as a medium of commercial and noncommercial communication.

(1) Municipalities, counties, and all other governmental entities are specifically empowered to enter into relocation and reconstruction agreements on whatever terms are agreeable to the sign owner and the municipality, county, or other governmental entity involved and to provide for relocation and reconstruction of signs by agreement,

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. Barcode 144630

1 ordinance, or resolution. As used in this section, a
 2 "relocation and reconstruction agreement" means a consensual,
 3 contractual agreement between a sign owner and municipality,
 4 county, or other governmental entity for either the
 5 reconstruction of an existing sign or removal of a sign and
 6 the construction of a new sign to substitute for the sign
 7 removed.

8 (2) Except as otherwise provided in this section, no
 9 municipality, county, or other governmental entity may remove,
 10 or cause to be removed, any lawfully erected sign along any
 11 portion of the interstate, federal-aid primary or other
 12 highway system, or any other road, without first paying just
 13 compensation for such removal as determined by agreement
 14 between the parties or through eminent domain proceedings.
 15 Except as otherwise provided in this section, no municipality,
 16 county, or other governmental entity may cause in any way the
 17 alteration of any lawfully erected sign located along any
 18 portion of the interstate, federal-aid primary or other
 19 highway system, or any other road, without first paying just
 20 compensation for such alteration as determined by agreement
 21 between the parties or through eminent domain proceedings. The
 22 provisions of this act shall not apply to any ordinance, the
 23 validity, constitutionality, and enforceability of which the
 24 owner has by written agreement waived all right to challenge.

25 (3) In the event that a municipality, county, or other
 26 governmental entity shall undertake a public project or public
 27 goal requiring alteration or removal of any lawfully erected
 28 sign, the municipality, county, or other governmental entity
 29 shall notify the owner of the affected sign in writing of the
 30 public project or goal and of the intention of the
 31 municipality, county, or other governmental entity to seek

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. ____ Barcode 144630

1 such removal. Within 30 days after receipt of the notice, the
2 owner of the sign and the municipality, county, or other
3 governmental entity shall attempt to meet for purposes of
4 negotiating and executing a relocation and reconstruction
5 agreement provided for in subsection (1).

6 (4) If the parties fail to enter into a relocation and
7 reconstruction agreement within 120 days after the initial
8 notification by the municipality, county, or other
9 governmental entity, either party may request mandatory
10 nonbinding arbitration to resolve the disagreements among the
11 parties. Each party shall select an arbitrator, and the
12 individuals so selected shall choose a third arbitrator. The
13 three arbitrators shall constitute the panel that shall
14 arbitrate the dispute between the parties and at the
15 conclusion of the proceedings shall present to the parties a
16 proposed relocation and reconstruction agreement that the
17 panel believes equitably balances the rights, interests,
18 obligations, and reasonable expectations of the parties. If
19 the municipality, county, or other governmental entity and the
20 sign owner accept the proposed relocation and reconstruction
21 agreement, the municipality, county, or other governmental
22 entity and sign owner shall each pay its respective costs of
23 arbitration and shall pay one-half of the costs of the
24 arbitration panel, unless the parties otherwise agree.

25 (5) If the parties do not enter into a relocation and
26 reconstruction agreement, the municipality, county, or other
27 governmental entity may proceed with the public project or
28 purpose and the alteration or removal of the sign only after
29 first paying just compensation for such alteration or removal
30 as determined by agreement between the parties or through
31 eminent domain proceedings.

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. ____ Barcode 144630

1 (6) The requirement by a municipality, county, or
2 other governmental entity that a lawfully erected sign be
3 removed or altered as a condition precedent to the issuance or
4 continued effectiveness of a development order constitutes a
5 compelled removal that is prohibited without prior payment of
6 just compensation under subsection (2). This subsection does
7 not apply when the owner of the land on which the sign is
8 located is seeking to have the property redesignated on the
9 future land use map of the applicable comprehensive plan for
10 exclusively single-family residential use.

11 (7) The requirement by a municipality, county, or
12 other governmental entity that a lawfully erected sign be
13 altered or removed from the premises upon which it is located
14 incident to the voluntary acquisition of such property by a
15 municipality, county, or other governmental entity constitutes
16 a compelled removal which is prohibited without payment of
17 just compensation under subsection (2).

18 (8) Nothing in this section shall prevent a
19 municipality, county, or other governmental entity from
20 acquiring a lawfully erected sign through eminent domain or
21 from prospectively regulating the placement, size, height, or
22 other aspects of new signs within such entity's jurisdiction,
23 including the prohibition of new signs, unless otherwise
24 authorized pursuant to this section. Nothing in this section
25 shall impair any ordinance or provision of any ordinance not
26 inconsistent with this section, nor shall this section create
27 any new rights for any party other than the owner of a sign,
28 the owner of the land upon which it is located, or a
29 municipality, county, or other governmental entity as
30 expressed in this section.

31 (9) This section applies only to a lawfully erected

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. ____ Barcode 144630

1 sign the subject matter of which relates to premises other
2 than the premises on which it is located or to merchandise,
3 services, activities, or entertainment not sold, produced,
4 manufactured, or furnished on the premises on which the sign
5 is located.

6 (10) This section does not apply to any actions taken
7 by the Florida Department of Transportation which relate to
8 the operation, maintenance, or expansion of transportation
9 facilities, and this section does not affect existing law
10 regarding eminent domain relating to the Florida Department of
11 Transportation.

12 (11) Nothing in this act shall impair or affect any
13 written agreement existing prior to the effective date of this
14 act, including, but not limited to, any settlement agreements
15 reliant upon the legality or enforceability of local
16 ordinances. The provisions of this act shall not apply to any
17 signs that are required to be removed by a date certain in
18 areas designated by local ordinance as view corridors if the
19 local ordinance creating the view corridors was enacted in
20 part to effectuate a consensual agreement between the local
21 government and two or more sign owners prior to the effective
22 date of this act, nor shall the provisions of this act apply
23 to any signs that are the subject of an ordinance providing an
24 amortization period, which period has expired, and which
25 ordinance is the subject of judicial proceedings which were
26 commenced on or before January 1, 2001, nor shall this act
27 apply to any municipality with an ordinance that prohibits
28 billboards and has two or fewer billboards located within its
29 current boundaries or its future annexed properties.

30 (12) Subsection (6) hereof does not apply when the
31 development order permits construction of a replacement sign

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. ____ Barcode 144630

1 that cannot be erected without the removal of the lawfully
2 erected sign being replaced. Effective upon this section
3 becoming a law, the Office of Program Analysis and
4 Governmental Accountability, in consultation with the property
5 appraisers and the private sector affected parties, shall
6 conduct a study of the value of offsite signs in relation to,
7 and in comparison with, the valuation of other commercial
8 properties for ad valorem tax purposes, including a comparison
9 of tax valuations from other states. OPPAGA shall complete
10 the study by December 31, 2001, and shall report the results
11 of the study to the Legislature.

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