

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

Amendment No.      Barcode 190764

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Sebesta moved the following amendment to amendment  
 12 (510902):

14 **Senate Amendment**

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

18 and insert:

19 70.20 Balancing of interests.--It is a policy of this  
 20 state to encourage municipalities, counties, and other  
 21 governmental entities and sign owners to enter into relocation  
 22 and reconstruction agreements that allow governmental entities  
 23 to undertake public projects and accomplish public goals  
 24 without the expenditure of public funds, while allowing the  
 25 continued maintenance of private investment in signage as a  
 26 medium of commercial and noncommercial communication.

27 (1) Municipalities, counties, and all other  
 28 governmental entities are specifically empowered to enter into  
 29 relocation and reconstruction agreements on whatever terms are  
 30 agreeable to the sign owner and the municipality, county, or  
 31 other governmental entity involved and to provide for

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

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

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

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

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

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

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1 eminent domain proceedings.

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

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

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

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1           (9) This section applies only to a lawfully erected  
2 sign the subject matter of which relates to premises other  
3 than the premises on which it is located or to merchandise,  
4 services, activities, or entertainment not sold, produced,  
5 manufactured, or furnished on the premises on which the sign  
6 is located.

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

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

31           (12) Subsection (6) hereof does not apply when the

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

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