

By Representative Benson

1                                   A bill to be entitled  
2           An act relating to transportation; amending s.  
3           163.3180, F.S.; providing that certain  
4           transportation facilities needed to serve new  
5           development shall be in place or under actual  
6           construction within a certain time period;  
7           amending s. 334.044, F.S.; revising language  
8           with respect to the powers and duties of the  
9           Department of Transportation to include  
10          reference to scenic highways and to authorize  
11          the department to enter into certain permit  
12          delegation agreements; amending s. 479.15,  
13          F.S.; providing a definition of the term  
14          "federal-aid primary highway system"; creating  
15          s. 479.25, F.S.; providing for the application  
16          of chapter 479, F.S., relating to outdoor  
17          advertising; providing an effective date.

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

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21           Section 1. Paragraph (c) of subsection (2) of section  
22   163.3180, Florida Statutes, is amended to read:

23           163.3180   Concurrency.--

24           (2)

25           (c) Consistent with the public welfare, and except as  
26   otherwise provided in this section, transportation facilities  
27   designated as part of the Florida Intrastate Highway System  
28   needed to serve new development shall be in place or under  
29   actual construction no more than 5 years after issuance by the  
30   local government of a certificate of occupancy or its  
31   functional equivalent. Other transportation facilities needed

1 to serve new development shall be in place or under actual  
2 construction no more than 3 years after issuance by the local  
3 government of a certificate of occupancy or its functional  
4 equivalent.

5 Section 2. Subsection (5) and paragraph (b) of  
6 subsection (15) of section 334.044, Florida Statutes, are  
7 amended to read:

8 334.044 Department; powers and duties.--The department  
9 shall have the following general powers and duties:

10 (5) To purchase, lease, or otherwise acquire property  
11 and materials, including the purchase of promotional items as  
12 part of public information and education campaigns for the  
13 promotion of scenic highways, traffic and train safety  
14 awareness, alternatives to single-occupant vehicle travel, and  
15 commercial motor vehicle safety; to purchase, lease, or  
16 otherwise acquire equipment and supplies; and to sell,  
17 exchange, or otherwise dispose of any property that is no  
18 longer needed by the department.

19 (15) To regulate and prescribe conditions for the  
20 transfer of stormwater to the state right-of-way as a result  
21 of manmade changes to adjacent properties.

22 (b) The department is specifically authorized to adopt  
23 rules which set forth the purpose; necessary definitions;  
24 permit exceptions; permit and assurance requirements; permit  
25 application procedures; permit forms; general conditions for a  
26 drainage permit; provisions for suspension or revocation of a  
27 permit; and provisions for department recovery of fines,  
28 penalties, and costs incurred due to permittee actions. In  
29 order to avoid duplication and overlap with other units of  
30 government, the department shall accept a surface water  
31 management permit issued by a water management district, the

1 Department of Environmental Protection, a surface water  
2 management permit issued by a delegated local government, or a  
3 permit issued pursuant to an approved Stormwater Management  
4 Plan or Master Drainage Plan; provided issuance is based on  
5 requirements equal to or more stringent than those of the  
6 department. The department may enter into a permit delegation  
7 agreement with a governmental entity provided issuance is  
8 based on requirements that the department determines will  
9 ensure the safety and integrity of the Department of  
10 Transportation facilities.

11 Section 3. Subsection (2) of section 479.15, Florida  
12 Statutes, is amended to read:

13 479.15 Harmony of regulations.--

14 (2) A municipality, county, local zoning authority, or  
15 other local governmental entity may not remove, or cause to be  
16 removed, any lawfully erected sign along any portion of the  
17 interstate or federal-aid primary highway system without first  
18 paying just compensation for such removal. A local  
19 governmental entity may not cause in any way the alteration of  
20 any lawfully erected sign located along any portion of the  
21 interstate or federal-aid primary highway system without  
22 payment of just compensation if such alteration constitutes a  
23 taking under state law. The municipality, county, local zoning  
24 authority, or other local government entity promulgating  
25 requirements for such alteration must be responsible for  
26 payment of just compensation to the sign owner if such  
27 alteration constitutes a taking under state law. This  
28 subsection applies only to a lawfully erected sign the subject  
29 matter of which relates to premises other than the premises on  
30 which it is located or to merchandise, services, activities,  
31 or entertainment not sold, produced, manufactured, or

1 furnished on the premises on which the sign is located. For  
2 the purposes of this subsection, the term "federal-aid primary  
3 highway system" means the federal-aid primary highway system  
4 in existence on June 1, 1991, and any highway which was not on  
5 such system but which is, or hereafter becomes, a part of the  
6 National Highway System.This subsection shall not be  
7 interpreted as explicit or implicit legislative recognition  
8 that alterations do or do not constitute a taking under state  
9 law.

10 Section 4. Section 479.25, Florida Statutes, is  
11 created to read:

12 479.25 Application of chapter.--Nothing in this  
13 chapter shall prevent a governmental entity from entering into  
14 an agreement allowing the height above ground level of a  
15 lawfully erected sign to be increased at its permitted  
16 location if a noise attenuation barrier, visibility screen, or  
17 other highway improvement has been erected in such a way as to  
18 screen or block visibility of such a sign; provided, however,  
19 that for nonconforming signs located on the federal-aid  
20 primary highway system, as such system existed on June 1,  
21 1991, and any highway which was not on such system but which  
22 is, or hereafter becomes, a part of the National Highway  
23 Administration, any increase in height permitted under this  
24 provision shall only be that which is required to achieve the  
25 same degree of visibility from the right-of-way that the sign  
26 had prior to the construction of the noise attenuation  
27 barrier, visibility screen, or other highway improvement.

28 Section 5. This act shall take effect upon becoming a  
29 law.

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HOUSE SUMMARY

Provides that transportation facilities designated as part of the Florida Intrastate Highway System needed to serve new development shall be in place or under actual construction no more than 5 years after issuance by the local government of a certificate of occupancy or its functional equivalent. Revises the powers and duties of the Department of Transportation to include reference to scenic highways and to authorize the department to enter into a permit delegation agreement with certain government entities. Defines the term "federal-aid primary highway system." Provides for the application of chapter 479, F.S., relating to outdoor advertising. See bill for details.