

Bill No. CS for SB 728

Amendment No. Barcode 225222

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

Senate Amendment (with title amendment)

On page 1, line 25,

insert:

Section 1. Section 70.20, Florida Statutes, is created to read:

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

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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 a municipality,
5 county, or other governmental entity for either the
6 reconstruction of an existing sign or the removal of a sign
7 and 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 located
12 along any portion of the interstate, federal-aid primary or
13 other highway system, or any other road without first paying
14 just 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 section shall not apply to any ordinance
24 the validity, constitutionality, and enforceability of which
25 the owner has by written agreement waived all right to
26 challenge.

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

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

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

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

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1 as determined by agreement between the parties or through
2 eminent domain proceedings.

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

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

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

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1 located, or a municipality, county, or other governmental
2 entity as expressed in this section.

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

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

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

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1 billboards located within its current boundaries or its future
2 annexed properties.

3 (12) Subsection (6) shall not apply when the
4 development order permits construction of a replacement sign
5 that cannot be erected without the removal of the lawfully
6 erected sign being replaced.

7 (13) Effective upon this section becoming a law, the
8 Office of Program Policy Analysis and Government
9 Accountability, in consultation with the property appraisers
10 and the affected private-sector parties, shall conduct a study
11 of the value of offsite signs in relation to, and in
12 comparison with, the valuation of other commercial properties
13 for ad valorem tax purposes, including a comparison of tax
14 valuations from other states. The Office of Program Policy
15 Analysis and Government Accountability shall complete the
16 study by December 31, 2002, and shall report the results of
17 the study to the President of the Senate and the Speaker of
18 the House of Representatives.

19
20 (Redesignate subsequent sections.)

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22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, line 2, after the semicolon

26
27 insert:

28 creating s. 70.20, F.S.; providing for a
29 process for governmental entities and sign
30 owners to enter into relocation and
31 reconstruction agreements related to outdoor

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1 advertising signs; defining "relocation and
2 reconstruction agreement"; providing for
3 compensation to sign owners under certain
4 conditions; requiring a study by the Office of
5 Program Policy Analysis and Government
6 Accountability and requiring a report to the
7 Legislature;
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